



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार 16 मार्च, 2012 / 26 फाल्गुन, 1933

हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचना

शिमला-2, 15 मार्च, 2012

संख्या एल0एल0आर0-डी0 (6)-32/2009-लेज.-भारत के राष्ट्रपति, भारत के संविधान के अनुच्छेद 201 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 28-2-2012 को अनुमोदित हिमाचल प्रदेश नगरीय किराया नियंत्रण (संशोधन) विधेयक, 2009 (2009 का विधेयक संख्यांक 31) को वर्ष 2012 के अधिनियम संख्यांक 8 के रूप में संविधान के अनुच्छेद 348 (3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश राजपत्र (असाधारण) में प्रकाशित करते हैं।

आदेश द्वारा,
अवतार चन्द डोगरा,
प्रधान सचिव (विधि)।

हिमाचल प्रदेश नगरीय किराया नियंत्रण (संशोधन) अधिनियम, 2009

(भारत की राष्ट्रपति महोदया द्वारा तारीख 28 फरवरी, 2012 को यथाअनुमोदित)

हिमाचल प्रदेश नगरीय किराया नियंत्रण अधिनियम, 1987 (1987 का अधिनियम संख्यांक 25) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के साठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. **संक्षिप्त नाम.**—इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश नगरीय किराया नियंत्रण (संशोधन) अधिनियम, 2009 है।

2. **धारा 2 का संशोधन.**—हिमाचल प्रदेश नगरीय किराया नियंत्रण अधिनियम, 1987 (जिसे इसमें इसके पश्चात् 'मूल अधिनियम' कहा गया है) की धारा 2 के खण्ड (ज) के स्थान पर निम्नलिखित खण्ड रखा जाएगा, अर्थात्:—

"(ज) "किराएदार" से ऐसा व्यक्ति अभिप्रेत है जिसके द्वारा या जिसकी ओर से निवासीय या अनिवासीय इमारत या किराए पर दी गई भूमि के लिए किराया संदेय है और इसके अन्तर्गत किराएदारी की समाप्ति के पश्चात् कब्जा चालू रखने वाला किराएदार, किराएदार की अभित्यक्त पत्नी जो पति के वैवाहिक घर या किराएदारी परिसर की अधिभोगी रही है या उसके अधिभोग की हकदार है, किराएदार की विवाह-विच्छेदित पत्नी जिसके पास विवाह-विच्छेद की डिक्री है जिसमें वैवाहिक घर या किराएदारी परिसर में निवास का अधिकार, विवाह-विच्छेद की डिक्री की एक शर्त के रूप में सम्मिलित है और ऐसे व्यक्ति की मृत्यु की दशा में इस खण्ड के क्रमशः स्पष्टीकरण -I और स्पष्टीकरण-II में विनिर्दिष्ट उत्तराधिकार क्रम और शर्तों के अध्यधीन उसके ऐसे उत्तराधिकारी हैं जो इस अधिनियम की अनुसूची-I में वर्णित हैं और जो उसकी मृत्यु के समय मामूली तौर से उसके साथ निवास कर रहे थे या परिसर में कारबार कर रहे थे, किन्तु इसके अन्तर्गत ऐसा व्यक्ति नहीं है जिसे किराएदार द्वारा इमारत या किराए पर दी गई भूमि का अधिभोग दिया गया है, सिवाय भू-स्वामी की लिखित अनुमति के, या वह व्यक्ति जिसको सार्वजनिक मंडी, कार्ट स्टैंड या वधशाला के किराए या फीस या दुकानों के किराए का संग्रहण ठेके पर या पट्टे पर नगर निगम या नगरपालिका परिषद् या नगर पंचायत या छावनी बोर्ड द्वारा दिया गया है;

स्पष्टीकरण-I.—कब्जा चालू रखने वाले व्यक्ति की मृत्यु की दशा में, किराएदारी की समाप्ति के पश्चात् उत्तराधिकार का क्रम निम्नलिखित होगा:—

(क) प्रथमतः, उसका जीवित पति या पत्नी;

(ख) द्वितीयतः, उसका पुत्र या पुत्री, या दोनों, यदि जीवित पति या पत्नी नहीं है, या यदि जीवित पति या पत्नी मामूली तौर से मृतक व्यक्ति के कुटुम्ब के सदस्य के रूप में उसकी मृत्यु की तारीख तक मृतक के साथ न रहा/रही हो;

(ग) तृतीयतः, उसके माता-पिता, यदि मृतक व्यक्ति का कोई जीवित पति या पत्नी, पुत्र या पुत्री नहीं है, या यदि ऐसा/ऐसी जीवित पति या पत्नी, पुत्र, पुत्री या उनमें से कोई मृतक व्यक्ति की मृत्यु की तारीख तक परिसर में मृतक के कुटुम्ब के सदस्य के रूप में मामूली तौर से न रहा हो; और

(घ) चतुर्थतः, उसकी पुत्र-वधू, उसके पूर्व मृतक पुत्र की विधवा होने के कारण, यदि मृतक व्यक्ति का जीवित पति या पत्नी, पुत्र, पुत्री, या माता-पिता नहीं है या ऐसा जीवित पति या पत्नी, पुत्र, पुत्री या माता-पिता, या उनमें से कोई, मृतक व्यक्ति की मृत्यु की तारीख तक परिसर में मृतक के कुटुम्ब के सदस्य के रूप में मामूली तौर से न रहे हों :

परन्तु उत्तराधिकारी, मृतक किराएदार की मृत्यु की तारीख तक परिसर में उसके कुटुम्ब के सदस्य के रूप में मामूली तौर से रह रहा हो या कारबार कर रहा हो और मृतक किराएदार पर निर्भर था :

परन्तु यह और कि किराएदारी का अधिकार, उत्तराधिकारी पर उस दशा में न्यागत नहीं होगा जहां पर वह या उसका जीवित पति या पत्नी या उस पर निर्भर कोई पुत्र या पुत्री किराए पर दिए गए परिसर से सम्बन्धित नगरीय क्षेत्र में, किसी परिसर का स्वामी या अधिभोगी है।

स्पष्टीकरण-II.—स्पष्टीकरण-I में निर्दिष्ट प्रत्येक उत्तराधिकारी का, किराएदारी की समाप्ति के पश्चात् कब्जा चालू रखने का अधिकार, उसका व्यक्तिगत होगा और ऐसे उत्तराधिकारी की मृत्यु पर, उसके किसी भी वारिस को न्यागत नहीं होगा; और”।

3. धारा 4 का प्रतिस्थापन.—मूल अधिनियम की धारा 4 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात् :—

“4. मानक किराए का अवधारण.—(1) नियंत्रक, इमारत या किराए पर दी गई भूमि के किराएदार या भू-स्वामी के आवेदन पर और ऐसी जांच करने के पश्चात् जैसी वह उपयुक्त समझे, ऐसी इमारत या किराए पर दी गई भूमि के लिए मानक किराया निर्माण के प्रारम्भ की तारीख को निर्माण की कुल लागत और परिसर में समाविष्ट भूमि के बाजार मूल्य के दस प्रतिशत के आधार पर नियत करेगा। दिए गए वर्ष का मानक किराया अवधारित करने के लिए, इस प्रकार व्युत्पन्न मानक किराए में निर्माण के वर्ष से वर्तमान वर्ष तक दस प्रतिशत की वृद्धि की जाएगी। तथापि, अनिवासीय इमारत की दशा में, ऐसी इमारत या किराए पर दी गई भूमि के लिए मानक किराया निर्माण के प्रारम्भ की तारीख को निर्माण की कुल लागत और परिसर में समाविष्ट भूमि के बाजार मूल्य के पन्द्रह प्रतिशत के आधार पर नियत करेगा।

स्पष्टीकरण.—मानक किराया नियत करने के प्रयोजन के लिए, अनुरक्षण प्रभारों, पानी और बिजली प्रभारों सहित नगरपालिका करों को गणना में लिया जाएगा :

परन्तु—

(i) अनुरक्षण प्रभार, मानक किराए के पांच प्रतिशत से अधिक नहीं होंगे;

(ii) कर, यथानुपात आधार पर संदेय वास्तविक कर के अनुसार होंगे; और

(iii) अन्य सुख-सुविधाएं, जैसे कि पानी और बिजली, वैसी होंगी जैसी भू-स्वामी और किराएदार के बीच करार पाई जाएं।

(2) उपधारा (1) के अधीन नियत मानक किराया उस तारीख से संदेय होगा जिसको इस धारा के अधीन आवेदन फाइल (दाखिल) किया गया है।”।

4. धारा 5 का प्रतिस्थापन.—मूल अधिनियम की धारा 5 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात् :—

“5. कतिपय मामलों में मानक किराए का पुनरीक्षण.—(1) धारा 4 में यथा उपबन्धित के सिवाय, जब भूमि या किराए पर दी गई इमारत का मानक किराया धारा 4 के अधीन नियत कर दिया गया है, वहां ऐसे मानक किराए में कोई अतिरिक्त वृद्धि या कमी तीन वर्ष की अवधि के लिए अनुज्ञेय नहीं होगी।

(2) तत्समय प्रवृत्त किसी विधि या किसी संविदा में किसी बात के अन्तर्विष्ट होते हुए भी, भू-स्वामी, इस अधिनियम में उपबन्धित किराए में वृद्धि के अतिरिक्त, प्रत्येक तीन वर्ष के पश्चात् इमारत या भूमि के, यथास्थिति, मानक किराए या करार पाए गए किराए में दस प्रतिशत की दर से वृद्धि करने का हकदार होगा :

परन्तु ऐसी वृद्धि उस मामले में होगी जहां ऐसी इमारत या भूमि हिमाचल प्रदेश नगरीय किराया नियंत्रण (संशोधन) अधिनियम, 2009 के आरम्भ से ठीक पूर्ववर्ती तीन वर्ष की या इससे अधिक अवधि के लिए तथा पुनः ऐसे आरम्भ से प्रत्येक तीन वर्ष के अवसान से किराए पर दी गई है।

(3) मानक किराए में वृद्धि स्वतः होती रहेगी और यदि भू-स्वामी और किराएदार के बीच इस धारा के अधीन किराए में की गई किसी वृद्धि या कमी की बाबत कोई विवाद होता है तो ऐसे विवाद का विनिश्चय नियन्त्रक द्वारा किया जाएगा।”।

5. धारा 6 का प्रतिस्थापन.—मूल अधिनियम की धारा 6 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात् :—

“6. कतिपय मामलों में मानक किराए में वृद्धि अनुज्ञेय.—(1) धारा 5 के अधीन यथा उपबन्धित के सिवाय, जब इमारत या किराए पर दी गई भूमि का मानक किराया धारा 4 के अधीन नियत कर दिया गया है, तो ऐसे मानक किराए में कोई और वृद्धि अनुज्ञेय नहीं होगी, सिवाय उन मामलों में जहां इमारत या किराए पर दी गई भूमि में भू-स्वामी द्वारा किराएदार के लिखित आवेदन पर कोई परिवर्धन, सुधार या परिवर्तन या विशेष मुरम्मत की गई है :

परन्तु इस उपधारा के अधीन बढ़ाया गया मानक किराया परिवर्धन, सुधार, परिवर्तन या विशेष मुरम्मत की लागत के दस प्रतिशत से अधिक नहीं होगा।

(2) यदि किराएदार पुनरीक्षित मानक किराया देने में असफल रहता है, तो वह इस अधिनियम की धारा 14 के अधीन बेदखली के लिए दायी होगा।”।

6. धारा 7 का प्रतिस्थापन.—मूल अधिनियम की धारा 7 के स्थान पर निम्नलिखित धारा रखी जाएगी, अर्थात् :—

“7. भू-स्वामी मानक किराए से अधिक किसी बात के लिए दावा नहीं करेगा.—इस अधिनियम में यथा उपबन्धित के सिवाय, जब नियंत्रक द्वारा धारा 4 के अधीन इमारत या किराए पर दी गई भूमि का मानक किराया नियत कर दिया गया है, तो भू-स्वामी, मानक किराए या ऐसे मानक किराए से अधिक किसी किराए के अतिरिक्त किसी प्रीमियम या ऐसी ही राशि का दावा नहीं करेगा या प्राप्त नहीं करेगा, किन्तु भू-स्वामी एकमुश्त तीन महीने के किराए से अनधिक राशि के लिए अनुबन्ध कर सकेगा और उसे अग्रिम के रूप में प्राप्त कर सकेगा:

परन्तु किराए के अतिरिक्त या ऐसे मानक किराए से अधिक किराए की किसी राशि के संदाय के लिए कोई करार अकृत और शून्य होगा।”।

7. धारा 8 का संशोधन.—मूल अधिनियम की धारा 8 की उपधारा (1) में, “उचित किराए” शब्दों के स्थान पर “मानक किराए” शब्द रखे जाएंगे।

8. धारा 14 का संशोधन.—मूल अधिनियम की धारा 14 में,—

(क) उपधारा (2) के खण्ड (i) में,—

(i) “नौ प्रतिशत” शब्दों के स्थान पर “बारह प्रतिशत” शब्द रखे जाएंगे; और

(ii) द्वितीय परन्तुक में “छह प्रतिशत” शब्दों के स्थान पर “बारह प्रतिशत” शब्द रखे जाएंगे;

(ख) उपधारा (3) में,—

(i) खण्ड (क) और प्रथम परन्तुक में “निवासीय इमारत” शब्दों के स्थान पर “निवासीय और अनिवासीय इमारत” शब्द रखे जाएंगे;

(ii) खण्ड (ग) के पश्चात् निम्नलिखित परन्तुक अन्तःस्थापित किए जाएंगे, अर्थात् :—

“परन्तु इस खण्ड के अधीन बेदखल किए गए किराएदार को मूल परिसर, जिसमें वह किराएदार था, के समतुल्य क्षेत्र में, पुनर्निर्मित इमारत परिसर में किराएदारी के नए निबन्धनों पर, भू-स्वामी और किराएदार के मध्य आपसी करार के आधार पर पुनः प्रवेश का अधिकार होगा :

परन्तु यह और कि अनिवासीय परिसरों की दशा में, भू-स्वामी किराएदारी के नए निबन्धनों के अधीन किराएदार को कारबार बदलने के लिए बाध्य नहीं करेगा।” और

(iii) खण्ड (घ) में “निवासीय इमारत” और “उसे ऐसे अपने पुत्र” शब्दों के स्थान पर क्रमशः “निवासीय और अनिवासीय इमारत” और “उसे अपने ऐसे पुत्र या पुत्री” शब्द रखे जाएंगे।; और

(ग) उपधारा (5) में “उसके पुत्र” और “उसका पुत्र” शब्दों के स्थान पर “उसके पुत्र या पुत्री” और “उसका पुत्र या पुत्री” शब्द रखे जाएंगे।

AUTHORITATIVE ENGLISH TEXT

Act No. 8 of 2012

**THE HIMACHAL PRADESH URBAN RENT CONTROL
(AMENDMENT) ACT, 2009**

(As Assented to by the President of India on 28th February, 2012)

AN

ACT

further to amend the Himachal Pradesh Urban Rent Control Act, 1987 (Act No. 25 of 1987).

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Sixtieth Year of the Republic of the India as follows :—

1. Short title.—This Act may be called the Himachal Pradesh Urban Rent Control (Amendment) Act, 2009.

2. Amendment of section 2.—In section 2 of the Himachal Pradesh Urban Rent Control Act, 1987 (hereinafter referred to as the ‘principal Act’), for clause (j), the following clause shall be substituted, namely:—

“(j) “tenant” means any person by whom or on whose account rent is payable for a residential or non-residential building or rented land and includes a tenant continuing in possession after termination of the tenancy, a deserted wife of a tenant who has been or is entitled to be in occupation of the matrimonial home or tenanted premises of husband, a divorced wife of a tenant who has a decree of divorce in which the right of residence in the matrimonial home or tenanted premises has been incorporated as one of the conditions of the decree of divorce and in the event of the death of such person such of his heirs as are mentioned in Schedule-I to this Act and who were ordinarily residing with him or carrying on business in the premises at the time of his death, subject to the order of succession and

conditions specified, respectively in Explanation-I and Explanation-II to this clause, but does not include a person placed in occupation of a building or rented land by its tenant, except with the written consent of the landlord, or a person to whom the collection of rent or fees in a public market, cart stand or slaughter house or of rents for shops has been farmed out or leased by a Municipal Corporation or a Municipal Council or a Nagar Panchayat or a Cantonment Board;

Explanation-I.—The order of succession in the event of death of the person continuing in possession after the termination of his tenancy shall be as follows:—

- (a) firstly, his surviving spouse;
- (b) secondly, his son or daughter, or both, if there is no surviving spouse, or if the surviving spouse did not ordinarily live with the deceased persons as a member of his family upto the date of his death;
- (c) thirdly, his parent(s), if there is no surviving spouse, son or daughter of the deceased person, or if such surviving spouse, son, daughter or any of them, did not ordinarily live in the premises as a member of the family of the deceased person upto the date of his death; and
- (d) fourthly, his daughter-in-law, being the widow of his pre-deceased son, if there is no surviving spouse, son, daughter or parent(s) of the deceased person or if such surviving spouse, son, daughter or parent(s), or any of them, did not ordinarily live in the premises as a member of the family of the deceased person upto the date of his death:

Provided that the successor has ordinarily been living or carrying on business in the premises with the deceased tenant as a member of his family upto the date of his death and was dependent on the deceased tenant:

Provided further that a right to tenancy shall not devolve upon a successor in case he or his spouse or any of his dependent son or daughter is owning or occupying a premises in the urban area in relation to the premises let.

Explanation-II.—The right of every successor, referred to in Explanation-I, to continue in possession after the termination of the tenancy, shall be personal to him and shall not, on the death of such successor, devolve on any of his heirs; and”.

3. Substitution of section 4.—For section 4 of the principal Act, the following section shall be substituted, namely :—

“4. Determination of standard rent.—(1) The Controller shall, on application by the tenant or the landlord of a building or rented land, and after holding such enquiry as he may think fit, fix the standard rent for such a building or rented land on the basis of 10% of the aggregate cost of construction and the market price of the land comprised in the premises on the date of commencement of the construction. The standard rent so derived shall be increased by 10% from the year of construction to the present year to arrive at standard rent for the given year. However, in case of non-residential building, the standard rent shall be fixed on the basis of 15% of the aggregate cost of construction and the market price of the land comprised in the premises on the date of the construction.

Explanation.—For the purpose of fixation of standard rent, the maintenance charges, municipal taxes including water and electricity charges shall be taken into account :

Provided that—

- (i) the maintenance charges shall not exceed 5% of the standard rent;
 - (ii) the taxes shall be as per actual tax payable on prorata basis; and
 - (iii) the other amenities like water and electricity shall be as agreed between the landlord and the tenant.
- (2) The standard rent fixed under sub-section (1) shall become payable from the date on which the application is filed under this section.”.

4. Substitution of section 5.—For section 5 of the principal Act, the following section shall be substituted, namely:—

“5. Revision of standard rent in certain cases.—(1) Save as provided in section 4, when the standard rent of a land or rented building has been fixed under section 4, no further increase or decrease in such a standard rent shall be permissible for a period of three years.

(2) Notwithstanding anything contained in any law for the time being in force or in any contract, a landlord shall, in addition to the increase in rent provided in this Act, be entitled to increase the rent of a building or land at the rate of ten per cent of the standard rent or the agreed rent, as the case may be, after every three years :

Provided that such increase shall be in a case where such a building or land has been let out for a period of three years or more immediately preceding the commencement of the Himachal Pradesh Urban Rent Control (Amendment) Act, 2009 and again with effect from expiry of every three years from such commencement.

(3) The increase in standard rent shall be automatic and if there is any dispute between the landlord and the tenant in regard to any increase or decrease in rent under this section, such dispute shall be decided by the Controller.”.

5. Substitution of section 6.—For section 6 of the principal Act, the following section shall be substituted, namely:—

“6. Increase in standard rent in certain cases admissible.—(1) Save as provided under section 5, when the standard rent of a building or rented land has been fixed under section 4, no further increase in such standard rent shall be permissible, except *in* cases where some addition, improvement or alteration or special repairs has been carried out in the building or rented land by the landlord at the request in writing of the tenant :

Provided that the standard rent increased under this sub-section shall not exceed ten per cent of the cost of addition, improvement, alteration or special repairs.

(2) If the tenant fails to pay the revised standard rent, he shall be liable for eviction under section 14 of the Act.”.

6. Substitution of section 7.—For section 7 of the principal Act, the following section shall be substituted, namely:—

“7. Landlord not to claim anything in excess of standard rent.—Save as provided in this Act, when the Controller has fixed the standard rent of a building or rented land under section 4, the landlord shall not claim or receive any premium or other like sum in addition to standard rent or any rent in excess of such standard rent, but the landlord may stipulate for and receive in advance an amount not exceeding three month’s rent in lump sum:

Provided that any agreement for the payment of any sum in addition to rent, or of rent in excess of such standard rent, shall be null and void.”.

7. Amendment of section 8.—In section 8 of the principal Act, in sub-section (1), for the words “fair rent”, the words “standard rent” shall be substituted.

8. Amendment of section 14.—In section 14 of the principal Act—

(a) in sub-section (2), in clause (i),—

- (i) for the figures and words “9 per cent”, the figures and words “12 per cent” shall be substituted; and
- (ii) in second proviso, for the figures and words “6 per cent”, the figures and words “12 per cent” shall be substituted.;

(b) in sub-section (3),—

- (i) in clause (a) and in first proviso, for the words “residential building”, the words and sign “residential and non-residential building” shall be substituted;
- (ii) after clause (c), the following provisos shall be inserted, namely:—

“Provided that the tenant evicted under this clause shall have the right to re-entry on new terms of tenancy, on the basis of mutual agreement between the landlord and the tenant, to the premises in the re-built building equivalent in area to the original premisses for which he was a tenant:

Provided further that in case of non-residential premises, the landlord shall not compel the tenant for a change of business under the new terms of tenancy.”; and

- (iii) in clause (d), for the words “residential building” and “his son”, the words “residential and non-residential building” and “his son or daughter” shall respectively be substituted.; and

(c) in sub-section (5), for the words “his son” wherever these occur, the words “his son or daughter” shall be substituted.

संख्या : टी.पी.टी.-ए (2)/2 2003 पार्ट 11, तारीख शिमला-2 15/03/2012

अधिसूचना

हिमाचल प्रदेश की राज्यपाल, हिमाचल प्रदेश साधारण खण्ड अधिनियम 1968 की धारा 20 के साथ पठित हिमाचल प्रदेश मोटरयान कराधान अधिनियम, 1972 की धारा 3 ग के अधीन निहित शक्तियों का प्रयोग करते हुए, तारीख 15-2-2012 को राजपत्र हिमाचल प्रदेश में प्रकाशित इस विभाग की अधिसूचना तारीख 15-2-2012, जिसके द्वारा हिमाचल प्रदेश मोटरयान कराधान अधिनियम 1972, से संलग्न अनुसूची -1 में संशोधन किया गया था, को विखंडित करती है ।

2 . हिमाचल प्रदेश की राज्यपाल, हिमाचल प्रदेश मोटरयान कराधान अधिनियम , 1972 की धारा 3 सी द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिनियम, की विद्यमान अनुसूची-1 का और संशोधन निम्न प्रकार से करती है । अर्थात् :-

अनुसूची -1 का संशोधन :- हिमाचल प्रदेश मोटरयान कराधान अधिनियम, 1972 से संलग्न अनुसूची -1 में कम संख्या: 2(1), कम संख्या: 2(2), कम संख्या: 3(3), और कम संख्या: 3(4), कम संख्या: 4 और कम संख्या: 6(i) के सामने विद्यमान उपबन्धों के स्थान पर निम्नलिखित रखा जाएगा , अर्थात् :-

क्रम संख्या	यानों का विवरण	कर की वार्षिक दर
2(1)	साधारण /एकप्रेस /सैमीडिलक्स /वातानुकूलित बसें	35000/-रुपए (केवल पैंतीस हजार रुपए)
2 (2)	मिनी बसें	25000/-रुपए (केवल पच्चीस हजार रुपए)
3(3)	ऑटो रिक्शा	5000/- रुपए (केवल पांच हजार रुपए)
3(4)	कॉन्टेनर कैरिज के लिए बसें	52000/-रुपए (केवल बावन हजार रुपए)
4	समस्त प्राईवेट (निजी) संस्थाओं के स्वामीत्वाधिन प्राईवेट (निजी) सेवायान /बसें और उपर्युक्त कम संख्या: 2 और 3 के अधीन न आने वाली अन्य बसें	30000/- रुपए (केवल तीस हजार रुपए)
6(i)	डलके (अधिकतम 7.5 टन से अनधिक परिमाण)	20000/-रुपए (केवल बीस हजार रुपए)

आदेश द्वारा

प्रधान सचिव (परिवहन)
हिमाचल प्रदेश सरकार

(Authoritative English Text of this department notification NO. TPT-A(2)2/2003-Part-II, dated 15/03/2012 as required under clause (3) of article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Transport

File No.TPT-A(2)2/2003-Part-II

Dated:Shimla-2 the 15/03/2012

NOTIFICATION

The Governor of Himachal Pradesh in exercise of the powers vested under Section-3-C of the Himachal Pradesh Motor Vehicles Taxation Act, 1972 read with Section-20 of the Himachal Pradesh General Clauses Act, 1968 is pleased to rescind this department notification of even number dated 15/02/2012, published in Rajpatra, Himachal Pradesh on 15/02/2012, whereby amendment to Schedule-I appended to the Himachal Pradesh Motor Vehicles Taxation Act, 1972 had been carried out.

2. The Governor of Himachal Pradesh in exercise of the powers conferred by Section-3-C of the Himachal Pradesh Motor Vehicles Taxation Act, 1972, is further pleased to amend the Schedule-I of the Act, as under, namely:-

“Amendment to Schedule-I :- In Schedule-I appended to the Himachal Pradesh Motor Vehicles Taxation Act, 1972, for the existing provisions against Sr No:2 (1), Sr No:2 (2), Sr.No : 3(3) and Sr No: 3(4), Sr No: 4 and Sr No:6 (i) the following shall be substituted, namely:-

Sr. NO.	Description of Vehicles	Annual rate of tax
2(1)	Ordinary/ express/ semi deluxe/ Air conditioned buses	Rs. 35,000/- (Thirty five thousand only)
2(2)	Mini Buses	Rs. 25,000/- (Twenty five thousand only)
3(3)	Auto Rickshaws	Rs.5000/- (Five thousand only)
3(4)	Buses for contract carriages	Rs.52,000/- (Fifty two thousand only)
4	Private Service Vehicles/ buses owned by all private Institutions and other buses not covered under Sr. No. 2& 3 above.	Rs. 30,000/- (Thirty thousand only)
6(i)	Light (Maximum mass not exceeding 7.5 tonnes).	Rs.20,000/- (Twenty thousand only)

By order,

Sd/-
Principal Secretary (Transport).

हिमाचल प्रदेश सरकार

परिवहन विभाग

संख्या : टी.पी.टी.-ए (2)/2 2003 पार्ट 11, तारीख शिमला-2 15/03/2012

अधिसूचना

हिमाचल प्रदेश की राज्यपाल, हिमाचल प्रदेश मोटरयान कराधान अधिनियम, 1972 की धारा 3 की उप धारा (2) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, इस विभाग की अधिसूचना संख्या टी0पी0टी0(ए) 2 2/2003 -पार्ट 1, तारीख 11-8-2007 के कम में और आंशिक उपरान्तरण में तथा सरकार की अधिसूचना संख्या टी0पी0टी0(ए) 2 2/2003 -पार्ट 11, तारीख 4-2-2012 के अधिकमण में, आदेश देती है कि उक्त अधिसूचनाओं के कम संख्या: 4 पर दर्शाई गई विद्यमान मद के स्थान पर निम्नलिखित रखा जाएगा , अर्थात :-

" 4	1000 सी. सी से उपर के ईजन क्षमता वाले निजी मोटरयान	निजी मोटरयान की कीमत का तीन प्रतिशत (3%)।
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आदेश द्वारा,
हस्ताक्षरित /—
प्रधान सचिव (परिवहन)।

(Authoritative English text of the Government notification NO: TPT-A(2)2/2003-Part-II, dated 15/03/2012 as required under Clause (3) of Article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Transport.

NO: TPT-A(2)2/2003-Part-II Dated:Shimla-2 the 15/03/2012.

NOTIFICATION.

In continuation and partial modification of this department notification number TPT-A(2)2/2003-Part-I, dated 11/06/2007 and in supersession of this department notification NO: TPT-A(2)2/2003-Part-II, dated 04/02/2012 as published in Rajpatra, Himachal Pradesh on 08/02/2012 , the Governor of Himachal Pradesh in exercise of the powers conferred under Sub-section (2) of Section-3 of the Himachal Pradesh Motor Vehicles Taxation Act, 1972, is pleased to order that for the existing item appearing at Sr NO: 4 of the said notifications the following shall be substituted, namely:-

"4.	Personal Motor Vehicles having engine capacity above 1000 CC	Three percent (3 %) of the price of the personal motor vehicle."
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By order,

Sd/-
Principal Secretary (Transport).

हिमाचल प्रदेश सरकार
परिवहन विभाग

संख्या : टी.पी.टी.-ए (2)/2 2003 पार्ट 11,

तारीख शिमला-2 15/03/2012

अधिसूचना

हिमाचल प्रदेश की राज्यपाल, हिमाचल प्रदेश मोटरयान कराधान अधिनियम, 1972 की धारा 3 की उपधारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 8-2-2012 को राजपत्र, हिमाचल प्रदेश में यथा प्रकाशित इस विभाग की समसंख्यक अधिसूचना तारीख 4-2-2012 के अधिकरण में आदेश देती है कि अधिनियम की अनुसूची -1 के स्तम्भ -2 में वर्णित मोटरयानों पर, जो हिमाचल प्रदेश में उपयोग में लाए गए या उपयोग के लिए रखे गए हैं, निम्न प्रकार से विनिर्दिष्ट दरों पर वार्षिक कर को उदग्रहित, प्रभारित और राज्य सरकार को संदत्त किया जाएगा :-

क्रम संख्या	यानों का विवरण	कर की दर
1.	माल वाहन (गुडज कैरिज)	
	i (क) हल्के मोटरयान (रजिस्ट्रीकरण की तारीख से प्रथम 15 वर्षों के लिए)	1500/- रुपए प्रति वर्ष
	(ख) हल्के मोटरयान (15 वर्षों के पश्चात)	1650/- रुपए प्रति वर्ष
	ii (क) मध्यम मोटरयान (रजिस्ट्रीकरण की तारीख से प्रथम 15 वर्षों के लिए)	2000/- रुपए प्रति वर्ष
	(ख) मध्यम मोटरयान (15 वर्षों के पश्चात)	2200/- रुपए प्रति वर्ष
	iii (क) भारी मोटरयान (रजिस्ट्रीकरण की तारीख से प्रथम 15 वर्षों के लिए)	2500/- रुपए प्रति वर्ष
	(ख) भारी मोटरयान (15 वर्षों के पश्चात)	2750/- रुपए प्रति वर्ष
2	मंजली गाड़िया (स्टेज कैरिज)	
	i (क) साधारण /एवप्रैस /सैमीडीलक्स /डीलक्स /वातानुकूलित बसें (रजिस्ट्रीकरण की तारीख से प्रथम 15 वर्षों के लिए)	500/- रुपए प्रति सीट, प्रति वर्ष (अधिकतम 35000 /- रुपए प्रति वर्ष के अध्यक्षीन)
	(ख) साधारण /एवप्रैस /सैमीडीलक्स /डीलक्स /वातानुकूलित बसें (15 वर्षों के पश्चात)	550/- रुपए प्रति सीट, प्रति वर्ष (अधिकतम 35000 /- रुपए प्रति वर्ष के अध्यक्षीन)
	ii (क) मिनी बसें (रजिस्ट्रीकरण की तारीख से प्रथम 15 वर्षों के लिए)	500/- रुपए प्रति सीट, प्रति वर्ष (अधिकतम 25000 /- रुपए प्रति वर्ष के अध्यक्षीन)
	(ख) मिनी बसें (15 वर्षों के पश्चात)	550/- रुपए प्रति सीट, प्रति वर्ष

		(अधिकतम 25000 /- रूपए प्रति वर्ष के अध्यक्षीन)
3	संविदा गाडी (कांटेक्ट कैरेज)	
	(i) मैक्सी कैव	750 /-रूपए प्रति सीट, प्रति वर्ष (अधिकतम 15000 रु0 प्रति वर्ष के अध्यक्षीन)
	(ii) मोटर कैव	350/- रूपए प्रति सीट, प्रति वर्ष (अधिकतम 10000 रु0 प्रति वर्ष के अध्यक्षीन)
	(iii) ओटो रिक्शा	200 /- रूपए प्रति सीट, प्रति वर्ष (अधिकतम 5000 रु0 प्रति वर्ष के अध्यक्षीन)
	(iv) कॉन्टैक्ट कैरिज के लिए बसें	1000/- रूपए प्रति सीट, प्रति वर्ष (अधिकतम 52000 /- रूपए प्रति वर्ष के अध्यक्षीन)
4	(क) समस्त प्राईवेट (निजी) संस्थाओं के स्वामीत्वाधीन निजी सेवायान /बसें और उपर्युक्त कम संख्या 2 और 3 के अधीन न आने वाली अन्य बसें (रजिस्ट्रीकरण की तारीख से प्रथम 15 वर्षों के लिए)	500/- रूपए प्रति सीट, प्रति वर्ष (अधिकतम 30000 /- रूपए प्रति वर्ष के अध्यक्षीन)
	(ख) समस्त प्राईवेट (निजी) संस्थाओं के स्वामीत्वाधीन निजी सेवायान /बसें और उपर्युक्त कम संख्या: 2 और 3 के अधीन न आने वाली अन्य बसें (15 वर्षों के पश्चात)	550/- रूपए प्रति सीट, प्रति वर्ष (अधिकतम 30000 /- रूपए प्रति वर्ष के अध्यक्षीन)
5	(क) वाणिज्यिक संगठन के स्वामित्व वाली प्राईवेट (निजी) सेवा मोटर कैबज तथा जिनका प्रयोग भाड़े के लिए या पारिश्रमिक के लिए पाबन्दी से अन्यथा ऐसे यानों के स्वामी की ओर से उसके व्यापार या कारबार के लिए या उसके	500/- रूपए प्रति सीट, प्रति वर्ष (अधिकतम 12000 /- रूपए प्रति वर्ष के अध्यक्षीन)

	सम्बन्ध में व्यक्तियों को लाने ले जाने के प्रयोजन के लिए किया जाता है (रजिस्ट्रीकरण की तारीख से प्रथम 15 वर्षों के लिए)	
	(ख) वाणिज्यिक संगठन के स्वामित्व वाली प्राईवेट (निजी) सेवा मोटर कैबज तथा जिनका प्रयोग भाड़े के लिए या पारिश्रमिक के लिए पाबन्दी से अन्यथा ऐसे यानों के स्वामी की ओर से उसके व्यापार या कारबार के लिए या उसके सम्बन्ध में व्यक्तियों को लाने ले जाने के प्रयोजन के लिए किया जाता है (15 वर्षों के पश्चात)	550/- रूपए प्रति सीट, प्रति वर्ष (अधिकतम 12000 /- रूपए प्रति वर्ष के अध्यक्षीन)
6	सन्निर्माण उपस्कर यान एवं केन माउंटिड यान ।	
	(i) हल्का (7.5 टन से अनधिक अधिकतम परिमाण)	8000/-रूपए प्रतिवर्ष
	(ii) मध्यम (7.5 टन से अधिक अधिकतम परिमाण परन्तु 12 टन से अधिक नहीं)	11000/-रूपए प्रतिवर्ष
	(iii) भारी (12 टन से अधिक अधिकतम परिमाण)	14000/-रूपए प्रतिवर्ष
7	रिकवरी वेन	
	(i) हल्का (7.5 टन से अनधिक अधिकतम परिमाण)	5000/-रूपए प्रतिवर्ष
	(ii) मध्यम (7.5 टन से अधिक अधिकतम परिमाण परन्तु 12 टन से अधिक नहीं)	6000/-रूपए प्रतिवर्ष
	(iii) भारी (12 टन से अधिक अधिकतम परिमाण)	7000/-रूपए प्रतिवर्ष
8	रोगी वाहन	1500/-रूपए प्रतिवर्ष
9	शव वाहन	1500/-रूपए प्रतिवर्ष

आदेश द्वारा

प्रधान सचिव (परिवहन)
हिमाचल प्रदेश सरकार

(Authoritative English text of the Government notification NO: TPT-A(2)/2003-Part-II, dated 15/03/2012 as required under Clause (3) of Article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Transport.

NO: TPT-A(2)/2003-Part-II Dated: Shimla-2 the 15/03/2012.

NOTIFICATION.

In supersession of this department notification of even number dated 04/02/2012 as published in Rajpatra Himachal Pradesh on 08/02/2012, the Governor of Himachal Pradesh in exercise of the powers conferred under Sub-section (1) of Section-3 of the Himachal Pradesh Motor Vehicles Taxation Act, 1972, is pleased to order that there shall be levied, charged and paid to the State Government an annual tax on motor vehicles used or kept for use in Himachal Pradesh described in column 2 of Schedule-I of the Act at the rate specified hereunder:-

Sr. NO	Description of vehicles	Rate of Tax
1.	Goods carriages:	
	(i) (a) Light Motor Vehicles (for first 15 years from the date of registration)	Rupees 1500/- per annum
	(b) Light Motor Vehicles (after fifteen years)	Rupees 1650/- per annum
	(ii) (a) Medium Motor Vehicles (for first 15 years from the date of registration)	Rupees 2000/- per annum
	(b) Medium Motor Vehicles (after fifteen years)	Rupees 2200/- per annum
	(iii) (a) Heavy Motor Vehicles (for first 15 years from the date of registration)	Rupees 2500/- per annum
	(b) Heavy Motor Vehicles (after fifteen years)	Rupees 2750/- per annum.
2.	Stage Carriages:	
	(i) (a) Ordinary/express/semi Deluxe/ Deluxe/Air Conditioned buses (for first 15 years from the date of registration)	Rs. 500/- per seat per annum. (Subject to the maximum of rupees 35,000/- per annum).
	(b) Ordinary/express/semi Deluxe/ Deluxe/Air Conditioned buses (after fifteen years)	Rs. 550/- per seat per annum. (Subject to the maximum of rupees 35,000/- per annum).

	years)	
	(ii) (a) Mini Buses(for first 15 years from the date of registration)	Rs. 500/- per seat per annum. (Subject to the maximum of rupees 25,000/- per annum).
	(b) Mini Buses (after fifteen years)	Rs. 550/- per seat per annum. (Subject to the maximum of rupees 25,000/- per annum).
3.	Contract Carriages:	
	(i) Maxi Cab.	Rs. 750/- per seat per annum. (Subject to the maximum of rupees 15,000/- per annum).
	(ii) Motor Cab.	Rs. 350/- per seat per annum. (Subject to the maximum of rupees 10,000/- per annum).
	(iii) Autorickshaw.	Rs. 200/- per seat per annum. (Subject to the maximum of rupees 5000/- per annum).
	(iv) Buses for contract carriages.	Rs. 1000/- per seat per annum. (Subject to the maximum of rupees 52,000/- per annum).
4.	(a) Private Service Vehicles/ buses owned by all private Institutions and other buses not covered under Sr. NO:2 and 3 above. (for first 15 years from the date of registration)	Rs. 500/- per seat per annum (subject to maximum of Rs. 30,000/-).
	(b) Private Service Vehicles/ buses owned by all private Institutions and other buses not covered under Sr. NO:2 and 3 above. (after 15 years)	Rs. 550/- per seat per annum (subject to maximum of Rs. 30,000/-)
5.	(a) Private Service Motor Cabs owned by Commercial organization and used for the purpose of carrying persons on behalf of the owner of such vehicles for or in connection with his trade or business otherwise banned for hire and reward. (for first 15 years from the date of registration)	Rs. 500/- per seat per annum (subject to maximum of Rs. 12,000).
	(b) Private Service Motor Cabs owned by Commercial organization and used for the purpose of carrying persons on behalf of the owner of such vehicles for or in connection with his trade or business otherwise banned for hire and reward. (after 15 years).	Rs. 550/- per seat per annum (subject to maximum of Rs. 12,000).
6.	Construction Equipment Vehicles & Crane Mounted Vehicles.	
	(i) Light (Maximum Mass not exceeding 7.5 tonnes).	Rs. 8000/- per annum.
	(ii) Medium (Maximum Mass exceeding 7.5 tonnes but not more than 12 tonnes).	Rs. 11000/- per annum
	(iii) Heavy (Maximum Mass exceeding 12 tonnes).	Rs. 14,000/- per annum.
7.	Recovery Vans	
	(i) Light (Maximum Mass not exceeding 7.5 tonnes).	Rs. 5000/- per annum.
	(ii) Medium (Maximum Mass exceeding 7.5 tonnes but not more than 12 tonnes).	Rs. 6000/- per annum.
	(iii) Heavy (Maximum Mass exceeding 12 tonnes).	Rs. 7000/- per annum.
8.	Ambulance	Rs. 1500 / per annum
9.	Hearse (dead body van)	Rs. 1500/- per annum.

By order,
Sd/-
Principal Secretary (Transport).

संख्या : टी.पी.टी.-ए (2)/2 2003 पार्ट 11,

तारीख शिमला-2 15/03/2012

अधिसूचना

हिमाचल प्रदेश मोटरयान व्हीकलज (प्रथम संशोधन) नियम, 2012, को समसंख्याक अधिसूचना तारीख 6.2.2012 द्वारा मोटरयान अधिनियम, 1988 की धारा 212 के उपबन्धों के अनुसरण में, इसके प्रकाशन की तारीख से 07 दिन की अवधि के भीतर इससे संभाव्य प्रभावित होने वाले व्यक्तियों से आक्षेपों और सुझावों को आमन्त्रित करने के लिए तारीख 8.2.2012 को राजपत्र, हिमाचल प्रदेश (असाधारण) में प्रकाशित किया गया था।

और उक्त प्रारूप नियमों की बाबत जन साधारण से कोई भी आक्षेप और सुझाव प्राप्त नहीं हुए थे।

और उक्त नियमों को इस विभाग की समसंख्याक अधिसूचना तारीख 15.2.2012 द्वारा अधिसूचित कर तारीख 15.2.2012 के राजपत्र, हिमाचल प्रदेश में अन्तिमः प्रकाशित किया गया था।

और हिमाचल प्रदेश की राज्यपाल की यह राय है कि उन दरों, जो उपरोक्त नियमों को अधिसूचित करने से पूर्व विद्यमान थी, को ही लोकहित में प्रभारित किया जाए।

अतः हिमाचल प्रदेश की राज्यपाल, मोटरयान अधिनियम, 1988 की धारा 211 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,, निम्नलिखित नियम बनाती हैं अर्थात:-

संक्षिप्त नाम ।	1	इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश मोटर यान (द्वितीय संशोधन) नियम, 2012 है ।
नियम 67 का प्रतिस्थापन	2	हिमाचल प्रदेश मोटरयान नियम , 1999 (जिन्हें इसमें इसके पश्चात “ उक्त नियम “ कहा गया है) के नियम 67 के स्थान पर निम्नलिखित रखा जाएगा : अर्थात :-
		“ 67. अनुज्ञापत्र , प्रतिहस्ताक्षरित करने , प्रदान करने या नवीकृत के लिए आवेदन फीस :- (1) अधिनियम के अधीन अनुज्ञापत्र, प्रतिहस्ताक्षरित करने, प्रदान करने या नवीकृत करने के लिए आवेदन के साथ निम्नलिखित फीस के जमा को दर्शाने वाली नकद रसीद या ट्रैजरी चलान संलग्न किया जाएगा, अर्थात :-

क्र०संख्या	यान का प्रवर्ग	अस्थायी अनुज्ञापत्र	नियमित अनुज्ञापत्र
i	(i) हल्के (माल) मोटरयान	रुपए 10	रुपए 20
ii	(ii) मध्यम / भारी (माल) मोटरयान	रुपए 25	रुपए 50
iii	(iii) संविदा गाडी, (कॉन्टेनर कैरिज) कैबज / ऑटो रिक्शा	रुपए 10	रुपए 20
iv	(iv) संविदा गाडी (कॉन्टेनर कैरिज) मैक्सी कैबज	रुपए 15	रुपए 30
V	(v) संविदा गाडी (कॉन्टेनर कैरिज) बसें	रुपए 25	रुपए 50
Vi	(vi) प्रत्येक क्षेत्र के लिए जीप मंजली गाडी (डाईवर के अतिरिक्त 12 यात्रियों तक बैठने की क्षमता)	रुपए 10	रुपए 20
Vii	(vii) प्रत्येक क्षेत्र के लिए अन्य मंजली गाडी और प्राईवेट (निजी) सेवा यान	रुपए 25	रुपए 100
Viii	(viii) अधिनियम की धारा 88 (8) के अधीन विशेष अनुज्ञापत्र फीस	रुपए 10	

		परन्तु भारत में विदेशी राजदूतावासों को उनके अपने स्वामित्वाधीन परिवहन यानों की बावत जारी किए गए अनुज्ञापत्र के लिए कोई फीस संदेय नहीं होगी ।
		(2) क्षेत्रीय परिवहन प्राधिकारी अनुज्ञापत्र के लिए आवेदन या अनुज्ञापत्र के प्रतिहस्ताक्षर के लिए फीस प्राप्त होने पर, प्ररूप एच. पी. 34 आर. पी.एफ. में एक पृथक रसीद तैयार करेगा जो फीस देने वाले व्यक्ति को परिवहन की जाएगी ।
नियम-68 का प्रतिस्थापन ।	3	उक्त नियमों के नियम-68 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात:-
		“68. अनुज्ञापत्र और प्रतिहस्ताक्षर के लिए फीस :- (1) अधिनियम के अधीन अनुज्ञापत्र जारी करने, <u>नवीकृत</u> करने और प्रतिहस्ताक्षरित करने के लिए निम्नलिखित फीस संदेय होगी; अर्थात :-

यानों की विशिष्टियां	अनुज्ञापत्र प्रदान करने/नवीकृत करने/प्रतिहस्ताक्षर करने लिए फीस । नियमित प्रथम वर्ष	प्रत्येक पश्चात्पूर्ती वर्ष ।
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(क) माल गाड़ी		
(i) हल्के माल यान	रुपए 200/-	रुपए 125/- (पांच वर्ष के लिए रुपए 700/-)
(ii) मध्यम/भारी माल यान	रुपए 300/-	रुपए 250/- (पांच वर्षों के लिए 1300/-)
(ख) संविदा गाड़ी ।		
(i) टैक्सी कैबस/ ओटो रिक्शा	रुपए 200/-	रुपए 125/- (पांच वर्ष के लिए रुपए 700/-)
(ii) मैक्सी कैबस	रुपए 250/-	रुपए 150/- (पांच वर्ष के लिए रुपए 850/-)
(iii) संविदा गाड़ी (कान्द्रकैट कैरिज) बसें ।	रुपए 300/-	रुपए 250/- (पांच वर्ष के लिए रुपए 1300/-)

(ग) संविदा गाड़ी के अतिरिक्त अन्य अनुज्ञापत्र प्रदान करने / नवीकरण/प्रतिहस्ताक्षर के लिए यान फीस क्षेत्र जिसमें अनुज्ञापत्र प्रत्येक क्षेत्र जिसेके लिए प्रदान किया गया नवीकृत अनुज्ञापत्र प्रदान किया गया नवीकृत प्रतिहस्ताक्षरित किया प्रतिहस्ताक्षरित के लिए हो के लिए अतिरिक्त फीस ।

	प्रथम वर्ष	प्रत्येक पश्चात्पूर्ती वर्ष	प्रथम वर्ष	प्रत्येक पश्चात्पूर्ती वर्ष
	रुपये	रुपये	रुपये	रुपये
(1) जीप मंजिली गाड़ी	200	125	125	100
(2) अन्य मंजिली गाड़ियां और निजी सेवा यान	300	250	200	125

		परन्तु जहाँ धारा 70 या धारा 73 या धारा 76 या धारा 77 के अधीन अनुज्ञापत्र के लिए किसी आवेदन के विचार के लिए लम्बित होने पर, अस्थायी अनुज्ञापत्र जारी किया गया है, तो क्षेत्रीय परिवहन प्राधिकारी स्वविवेकानुसार और ऐसे निर्देशों, जो राज्य परिवहन प्राधिकरण द्वारा, नियमित अनुज्ञापत्र को प्रदान करते समय जारी किए गए हैं, यदि कोई हो, के अधीन निर्देश दे सकेगा कि अस्थायी अनुज्ञापत्र के लिए संदत की गई किसी फीस के किसी भाग या सम्पूर्ण के बराबर की राशि को नियमित अनुज्ञापत्र के लिए संदेय फीस में से कटौती की जाएगी ;
		परन्तु यह और कि गंजिली गाड़ी की सेवा की दशा में अनुज्ञापत्र में विनिर्दिष्ट यानों की संख्या के आधार पर अनुज्ञापत्र फीस प्रभारित की जाएगी तथा अनुज्ञापत्र के भाग ख को तदनुसार उतनी संख्या में जारी किया जाएगा ।
		स्पष्टीकरण:-
		(1) इस नियम में प्रयुक्त पद “नियमित अनुज्ञापत्र” से, अधिनियम के उपबन्धों के अनुसार किसी आवेदन पर विचार करने के पश्चात जारी किया गया, अनुज्ञापत्र अभिप्रेत है ।

		(2)फीस, उस अवधि जिसके लिए अनुज्ञापत्र जारी किया गया है, क्षेत्रीय परिवहन प्राधिकारी को अग्रिम में संदत की जाएगी ।
		(3) अनुज्ञापत्र के लिए फीस प्राप्त करने वाला या अनुज्ञापत्र को प्रतिहस्ताक्षरित करने वाला क्षेत्रीय परिवहन प्राधिकारी अनुज्ञापत्र के प्रत्येक भाग ख के लिए हिमाचल प्रदेश प्ररूप 34 आर0 पी0 एफ में अलग रसीद तैयार करेगा, जो फीस देने वाले व्यक्ति को परिदत्त की जाएगी ।
		(4) यदि,अनुज्ञापत्र तत्पश्चात रद्द कर दिया जाता है तो अनुज्ञापत्र के लिए संदत फीस सम्पहत हो जाएगी ।”
नियम 69 का प्रतिस्थापन	4	“उक्त नियमों,” के नियम 69 के स्थान पर निम्नलिखित रखा जाएगा ; अर्थात :-
		“69. अस्थायी अनुज्ञापत्रों के लिए फीस :- (1) अस्थायी अनुज्ञापत्र या अस्थायी अनुज्ञापत्र के प्रतिहस्ताक्षर की बाबत,फीस निम्नलिखित होगी:-

क्रम संख्या	यान का प्रवर्ग	अस्थायी और विशेष अनुज्ञापत्र प्रदान करने/प्रतिहस्ताक्षरित करने के लिए अनुज्ञापत्र फीस ।	
		सात दिनों तक	प्रत्येक पश्चात्पूर्ति सप्ताह या उसके भाग के लिए ।
I	(क) माल गाड़ी यान		
	(i) हल्के (माल) मोटर यान	रुपए 50/-	रुपए 25/-
	(ii) मध्यम/भारी (माल) मोटर यान	रुपए 60/-	रुपए 30/-
II	(ख) संविदा गाड़ी (कान्द्केट कैरिज) यान ।		
	(i) संविदा गाड़ी (कान्द्केट कैरिज) कैबस /ओटो रिक्शा	रुपए 25/-	रुपए 15/-
	(ii) संविदा गाड़ी (कान्द्केट कैरिज) मैक्सी कैबस	रुपए 50/-	रुपए 25/-
	(iii) संविदा गाड़ी (कान्द्केट कैरिज) बसें ।	रुपए 75/-	रुपए 30/-

III	(ग) माल और सविदा गाड़ियों से अन्यथा यान	धारा 87 और/या 88 के अधीन अस्थायी/ विशेष अनुज्ञापत्र, उस क्षेत्र के लिए जहा अनुज्ञापत्र प्रदान किया गया है / प्रतिहस्ताक्षरित किया गया है	प्रत्येक क्षेत्र जहा के लिए अनुज्ञापत्र जारी किया गया है/प्रतिहस्ताक्षरित किया गया है, के लिए अतिरिक्त फीस		
		सात दिनों तक	प्रत्येक पश्चात्पत्ती सप्ताह या	सात दिनों तक	प्रत्येक पश्चात्पत्ती सप्ताह या
			उसके भाग के लिए ।		उसके भाग के लिए ।
	(i) जीप मजिली गाड़ी	50/ रुपए	25/ रुपए	25/ रुपए	20/ रुपए
	(ii) अन्य मंजली गाड़ी और प्राईवेट (निजी) सेवा यान	100/ रुपए	50/ रुपए	25/ रुपए	20/ रुपए
IV	(घ) अस्थाई अनुज्ञापत्र की द्विप्रतीक प्रति के लिए	30/ रुपए			

		परन्तु भारत में विदेशी राजदूतावासों को उनके अपने स्वामीत्वाधीन परिवहनयानों की बावत जारी किए गए अनुज्ञापत्र के लिए कोई फीस संदेय नहीं होगी ;
		(2) फीस, उस अवधि के लिए जिसके लिए अनुज्ञापत्र जारी किया गया है, क्षेत्रीय परिवहन प्राधिकारी को अग्रिम में संदत की जाएगी।
		(3) अनुज्ञापत्र के लिए फीस प्राप्त करने वाला या अनुज्ञापत्र को प्रतिहस्ताक्षरित करने वाला क्षेत्रीय परिवहन प्राधिकारी, अनुज्ञापत्र के प्रत्येक भाग -ख के लिए प्ररुप हिमाचल प्रदेश 34 आर. पी.एफ. में अलग रसीद तैयार करेगा जो फीस देने वाले व्यक्ति को परिदत की जाएगी ।
		(4) यदि, अनुज्ञापत्र तत्पश्चात रद्द कर दिया जाता है, तो अनुज्ञापत्र के लिए संदत फीस संपहत हो जाएगी ।"
नियम 113 का प्रतिस्थापन	5	"उक्त नियमों" के नियम 113 के स्थान पर निम्नलिखित रखा जाएगा; अर्थात:-
		"113-अनुज्ञापति के लिए फीस- नियम 110 और 112 के अधीन अनुज्ञापति प्रदान करने या नवीकृत करने के लिए फीस निम्नलिखित होगी ।

क्रम संख्या	विशिष्टियां	फीस
(क)	मूल अनुज्ञापति प्रदान करने के लिए	रुपए 500/-
(ख)	प्रत्येक अतिरिक्त स्थापन या उप अभिकरण के लिए अनुपूरक अनुज्ञापति प्रदान करने के लिए	रुपए 100/-
(ग)	यदि आवेदन समय पर किया गया है तो अनुज्ञापति के नवीकरण के लिए	
	(i) मूल अनुज्ञापति	रुपए 200/-
	(ii) प्रत्येक अतिरिक्त स्थापन या उप-अभिकरण के लिए अनुपूरक अनुज्ञापति	रुपए 100/-
(घ)	यदि आवेदन समय पर न किया गया हो, परन्तु अनुज्ञापति के अवसान से पूर्व किया गया है तो अनुज्ञापति के नवीकरण के लिए शास्ति	
	(i) मूल अनुज्ञापति	
	(क) यदि आवेदन 7 दिन के विलम्ब से किया गया है	रुपए 50/-
	(ख) यदि आवेदन 7 दिन से अधिक किन्तु 14 दिन से अनधिक के विलम्ब से किया गया है	रुपए 60/-

	(ग) यदि आवेदन 14 दिन से अधिक किन्तु 21 दिन से अनधिक के विलम्ब से किया गया है	रुपए 80/-
	(घ) यदि आवेदन 21 दिन से अधिक किन्तु 30 दिन से अनधिक के विलम्ब से किया गया है	रुपए 200/-
	<u>(ii) अनुपूरक अनुज्ञप्ति</u>	
	(क) यदि आवेदन 15 दिन के विलम्ब से किया गया है	रुपए 20/-
	(ख) यदि आवेदन 15 दिन से अधिक किन्तु 30 दिन से अनधिक के विलम्ब से किया गया है	रुपए 30/-
	टिप्पणः —इन नियमों में पद “मूल अनुज्ञप्ति” से माल वाहनों द्वारा वहन किए गए माल के संग्रहण, अग्रेषण या वितरण के करावार में लगे हुए किसी व्यक्ति के मुख्यालय हेतु अनुज्ञप्ति अभिप्रेत है और “अनुपूरक अनुज्ञप्ति” से शाखा कार्यालय हेतु अनुज्ञप्ति अभिप्रेत है।”	

आदेश द्वारा,

प्रधान सचिव (परिवहन)
हिमाचल प्रदेश सरकार

(Authoritative English Text of this department notification NO. TPT-A(2)2/2003-Part-II, dated 15/03/2012 as required under clause (3) of article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Transport.

NO: TPT-A(2)2/2003-Part-II

Dated: Shimla-2 the 15/03/2012.

“NOTIFICATION”

Whereas the draft Himachal Pradesh Motor Vehicles (First Amendment) Rules, 2012 were published in the Rajpatra, Himachal Pradesh on dated 08/02/2012, vide notification of even number dated 06/02/2012 in pursuance of the provision of section 212 of the Motor Vehicles Act, 1988 (Act NO. 59 of 1988) for inviting objections and suggestion from person(s) likely to be affected thereby, within a period of 07 days from the date of publication;

And , whereas no objection / suggestion was received from the general public on the said draft rules;

And, whereas the said rules were finally notified vide this department notification of even number dated 15/02/2012 as published in Rajpatra, Himachal Pradesh on dated 15/02/2012;

And, whereas the Governor, Himachal Pradesh is of the view that the rates , which were prevalent prior to notifying the rules supra are to be charged , in public interest.

Now, therefore, in exercise of the powers conferred by section 211 of the Motor Vehicles Act, 1988, (Act NO:59 of 1988), the Governor of Himachal Pradesh is pleased to make the following rules, namely:-

Short title	1	These rules may be called the Himachal Pradesh Motor Vehicles (Second Amendment) Rules, 2012.
Substitution of rule 67.	2.	For rule 67 of the Himachal Pradesh Motor Vehicles Rules, 1999 (hereinafter referred to as the "said rules"), the following shall be substituted, namely :-
		<u>"67. Application fee for countersignatures, grant or renewal of permit :-</u> Application for countersignatures, grant or renewal of a permit under the Act shall be accompanied by cash receipt or a treasury challan showing the deposit of following fees, namely:-

Sr No	Category of vehicle	Temporary permit	Regular Permit
i	(i) Light (Goods) motor vehicles	₹10.00	₹20.00
ii	(ii) Medium/heavy (Goods) motor vehicles	₹25.00	₹50.00
iii	iii) Contract Carriage cabs/ autorickshaws	₹10.00	₹20.00
iv	iv) Contract Carriage maxi-cabs	₹15.00	₹30.00
v	v) Contract Carriage buses	₹25.00	₹50.00
vi	vi) Jeeps stage carriage (seating capacity upto 12 passenger excluding driver) for each region	₹10.00	₹20.00
vii	Other stage carriage and private service vehicles for each region	₹25.00	₹100.00
viii	Special permit fee under section 88(8) of the Act.	₹10.00	

		Provided that no fee shall be payable for a permit issued to Foreign Embassies in India in respect of transport vehicles owned by them.
		(2) A Regional Transport Authority receiving a fee for an application for a permit or the countersignature of a permit shall prepare a separate receipt in Form HP XXXIV RPF which shall be delivered to the person tendering the fees.

Substitution of rule 68.	3.	For rule 68 of the said rules, the following shall be substituted, namely :-
		<u>“68. Fees for permits and countersignatures-</u> (1) - The following fees shall be payable for the issue , renewal and for countersignatures of permit under the Act, namely:-

Particular of vehicles	Permit for grant/ renewal/ countersignature.	
	Regular first year	Each subsequent year.
(a) GOODS CARRIAGE		
(i). Light Goods Vehicle	₹ 200/-	₹ 125/- (₹ 700 for five year)
(ii) Medium/ Heavy Goods Vehicles	₹ 300/-	₹ 250/- (₹ 1300 for five year)
(b) CONTRACT		

CARRIAGE				
(i) Taxi cabs/ Autorickshaws	₹ 200/-		₹ 125/- (₹ 700 for five year)	
(ii) Maxi cabs	₹ 250/-		₹ 150/- (₹ 850 for five years)	
(iii) Contract Carriage buses	₹ 300/-		₹ 250/- (₹ 1300/- for five year)	
(c) A vehicle other than goods and contract carriages	Permit fee for grant/ renewal/ countersignatures			
	Permit fee for the region in which permit is granted/ renewed/ countersigned		Additional fee for each region for which permit is granted/ renewed/ countersigned	
	1 st year	Each subsequent year	1st year	Each subsequent year
(i) Jeep Stage Carriages	₹ 200	₹ 125	₹ 125	₹ 100
(ii) Other stage carriage and private service vehicles.	₹ 300	₹ 250	₹ 200	₹ 125

		<p>Provided that where a temporary permit is granted pending consideration of an application for a permit under section-70, or section-73, or section-76, or section-77, Regional Transport Authority may, in its discretion and subject to such directions, if any, as may be issued by the State Transport Authority, at the time of granting a regular permit direct that a sum equal to a part or the whole of any fee paid, for the temporary permit shall be deducted from the fee payable for the regular permit:</p>
		<p>Provided further that in the case of service of stage carriage, the permit fee shall be charged on the basis of number of vehicles to be specified in the permit and accordingly numbers of parts B of the permit shall be issued.</p>
		Explanation:-
		<p>(1) The expression "regular permit" used in this rule means a permit issued after consideration of an application in accordance with the provisions of the Act.</p>
		<p>(2) Fees shall be paid in advance to the Regional Transport Authority for the period for which the permit is issued.</p>
		<p>(3) A Regional Transport Authority receiving a fee for a permit or the countersignature of a permit shall prepare a separate receipt in Form HP XXXIV RPF for each part B of the permit which shall be delivered to the person tendering the fee.</p>
		<p>(4) The fee paid for a permit shall stand forfeited if the permit is subsequently cancelled.</p>
Substitution of rule 69.	4.	<p>For rule 69 of the said rules, the following shall be substituted, namely :-</p> <p><u>"69. Fees for temporary permits:-</u> (1) - The fees in respect of a temporary permit or countersignatures of a temporary permit shall be as under:-</p>

Sr No	Category of vehicle	Permit fee for grant/ countersignature of Temporary and Special permit	
		upto seven days	Each subsequent week or part thereof.
i	(a) Goods carriage vehicles		
	(i) Light (Goods) motor vehicles	₹ 50/-	₹ 25/-
	(ii) Medium/heavy (Goods) motor vehicles	₹ 60/-	₹ 30/-
ii	(b) Contract Carriage vehicles.		
	(i) Contract Carriage cabs/ autorickshaws	₹ 25/-	₹ 15/-
	(ii) Contract Carriage maxi-cabs	₹ 50/-	₹ 25/-
	(iii) Contract Carriage buses	₹ 75/-	₹ 30/-
iii	(c) Vehicles other than goods and contract carriages	Temporary/ special permit under section 87 and or 88 for the region where permit is granted/	Additional fee for each region for which the permit is granted/ countersigned.

		countersigned.		Upto 7 days	Each subsequent week or part thereof.
		Upto 7 days	Each subsequent week or part thereof.		
	(i) Jeeps stage carriage	₹ 50/-	₹ 25/-	₹ 25/-	₹ 20/-
	(ii) Other stage carriage and private service vehicles	₹ 100/-	₹ 50/-	₹ 25/-	₹ 20/-
iv	(d) For a duplicate copy of temporary permit	₹ 30/-			

	Provided that no fee shall be payable for a permit issued to Foreign Embassies in India in respect of transport vehicles owned by them.
	(2) Fees shall be paid in advance to the Regional Transport Authority for the period for which the permit is issued.
	(3) A Regional Transport Authority receiving a fee for an application for a permit or the countersignature of a permit shall prepare a separate receipt in Form HP XXXIV RPF for each Part B of the permit which shall be delivered to the person tendering the fees.
	(4) The fee paid for a permit shall stand forfeited if the permit is subsequently cancelled.

Substitution of rule 113.	5.	For rule 113 of the said rules, the following shall be substituted, namely :-
		“113. Fees for a license- The fees for the grant or renewal of license under rules 110 and 112 shall be as follows:-

Sr No	Particulars	Fee.
A	For the grant of Principal License	₹ 500.00
B	For the grant of Supplementary License for each additional establishment or sub-agency	₹ 100.00
C	For Renewal of a License if application is made in time	
	(i) Principal License	₹ 200.00
	(ii) Supplementary License for each additional establishment or sub agency	₹ 100.00
D	Penalty for renewal of a license if application is not made in time but is made before the expiry of license -	
	(i) Principal License	
	(a) If application is made late by seven days	₹ 50.00
	(b) If application is made late by more than seven days, but not more than fourteen days	₹ 60.00
	(c) If application is made late by more than fourteen days, but not more than twenty-one days.	₹ 80.00
	(d) If the application is made late by more than twenty-one days, but not more than thirty days.	₹ 200.00
	(ii) Supplementary License-	
	(a) If the application is made late by fifteen days	₹ 20.00
	(b) If the application is made late by more than fifteen but not more than thirty days	₹ 30/-

Note:- In this rule, the expression “Principal License” means a license for the headquarters of a person engaged in the business of collecting, forwarding or distributing goods carried by goods carriages and “Supplementary License” means a license which his for a branch office”.

BY ORDER

Principal Secretary (Transport) to the
Government of Himachal Pradesh.

URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 14th March, 2012

No. UD-A(3)-7/2011.—In exercise of the powers conferred by sections 6, 31 and 36 of the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994), the Governor, Himachal Pradesh in consultation with the State Election Commission, proposes to make the following rules or carrying out the purposes of this Act;

Any interested person who has any objection or suggestion with regard to the proposed rules may send the same to the Principal Secretary (UD) to the Government of Himachal Pradesh within a period of seven days of the publication of these rules in the Rajpatra, Himachal Pradesh;

Objection(s) or suggestion(s) if any, received within the above stipulated period shall be considered by the State Government before finalizing the said rules, namely:-

Draft Rules**CHAPTER-I****PRELIMINARY**

1. Short title.—These rules may be called the Himachal Pradesh Municipal Corporation Election Rules, 2012.

2. Definition.— (1) In these rules, unless there is anything repugnant in the subject or the context,-

- (i) **"Act"** means the Himachal Pradesh Municipal Corporation Act, 1994 (Act No. 12 of 1994);
 - (ii) **"Agent"** means any person appointed in writing by a candidate at an election to be agent for the purpose of these rules;
 - (iii) **"Ballot Box"** include any box, bag or other receptacle used for the insertion of ballot paper by electors.
- "Commission"** means the State Election Commission defined under clause(58) of section 2.
- (iv) **"Delimitation"** means the delimitation of wards made under these rules;
 - (v) **"Deputy Commissioner"** means the Deputy Commissioner of the District and includes such other officer as may be appointed **on the recommendation of the Commission** by the State Government to perform the functions of the Deputy Commissioner for the purposes of these rules;
 - (vi) **"Divisional Commissioner"** means the Commissioner of the Division concerned;
 - (vii) **"election"** means an election of the Councilors, Mayor and Deputy Mayor of the Corporation;

- (viii) **“Elector” means any person entitled to vote at an election of Councilors, Mayor and Deputy Mayor of the Corporation;**
- (ix) **“Electoral roll”** means the electoral roll of persons of a ward entitled to vote at an election under these rules;
- (x) **“Electoral Registration Officer (Municipal Corporation)”** means an officer appointed by the Commission for the purpose of preparation of electoral rolls in accordance with these rules.
- (xi) **“Form”** means a form appended to these rules;
- (xii) **“Government”** means the Government of Himachal Pradesh;
- (xiii) **“Oath of allegiance”** means the oath and affirmation of allegiance specified under sub-section (1) of section 33;
- (xiv) **“Office Bearer”** means a person elected as Mayor or Dy. Mayor or Councilor, as the case may be by the voters of the Corporation;
- (xv) **“Polling Station” means the place fixed by the Returning Officer for the conduct of election to the Corporation;**
- (xvi) **“population”** means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (xvii) **“Revising Authority”** means a Gazetted Officer or an Executive Magistrate who may be appointed by **the Electoral Registration Officer (Municipal Corporation)** as the revising authority in respect of electoral roll of a ward or a part thereof ;
- (xviii) **“section” means section of the Act;**
- (xix) **“Symbol”** means a symbol which may be allotted to a candidate for contesting election under these rules;
- (xx) **“Treasury”** means a treasury or sub treasury of the State Government and includes a bank through which the business of such treasury or subtreasury has been made over: and
- (xxi) **“ward”** means a ward for the representation of which an office bearer is to be or has been elected under these rules, (2) Words and expressions used but not defined in these rules shall have the same meanings as are respectively assigned to them in the Act.

CHAPTER-II

DELIMITATION AND RESERVATION OF WARDS

3. Municipality to be divided into wards.—(1) For holding of election to Corporation it shall be divided into wards.

(2) The number of wards in a Corporation shall be determined in accordance with the provisions of **section 6.**

4. Limit of wards.—(1) As far as practicable each ward shall have equal population, **through out the municipal area** and each ward shall be geographically compact and contiguous in areas, and shall have **recognizable** boundaries, such as roads, paths, lanes, streets, stream, canals, drains, Bridges, Railway lines or such other marks or boundaries which can be easily distinguished.

(2) One councilor shall be elected from each ward.

(3) Each ward shall be described and notified invariably in such a manner that its boundaries are clearly recognizable on ground.

5. Name and number of the wards.—Each ward shall be known by the number given serially and a name shall also be given to it.

6. Delimitation of wards.—(1) When a direction is given under section 9 by the **Commission**, the Deputy Commissioner shall make a proposal for delimitation of wards by dividing the municipal area into wards as per provisions of **section 6** and shall also define the limits of each such ward and keep the same open for inspection in his office and in office of the Corporation and issue a notice inviting **public objections from the residents** in relation to such proposal in Form-I by affixing a copy of such notice in his office and in the office of the Corporation.

(2) While issuing notice, the Deputy Commissioner shall call for objection(s) to the draft delimitation proposal from the residents of the Municipal area within a period of ten days to be made to him in writing by any resident of the ward in Form-II.

7. Disposal of objections.—The Deputy Commissioner on receipt of objection(s), if any, under **rule 6**, shall inquire into the same and shall decide them within a period of **ten days**, after giving an opportunity of being heard to the **person** filing such objections.

8. Appeal.—Any **person** aggrieved by the orders of the Deputy Commissioner may file an appeal to the Divisional Commissioner within a period of **ten days** who after giving an opportunity of being heard to the applicant shall decide the same within a period of **ten days** and communicate the order to the Deputy Commissioner. The order passed by the Divisional Commissioner shall be final.

9. Final publication.—(1) After all the objections have been heard and finally decided, the delimitation so made shall be finalized within a period of 45 days from the date of initial publication of the proposal for delimitation by affixing a copy of the same in the office of the Deputy Commissioner, the municipality and at such other places as the Deputy Commissioner may decide and a copy of the same shall be sent to the Government.

(2) **On receipt of final delimitation order from the Deputy Commissioner** the State Election Commission shall notify the delimitation of wards of the municipality in the Official Gazette.

(3) The copies of these finalized delimited wards shall be available for inspection in the office of the Deputy Commissioner and the Corporation. Any voter can have a copy of delimitation order by making payment of **Rs. 50/-** against receipt total to the Deputy Commissioner and the same shall be made available to him immediately.

10. Reservation and Rotation of Seats of Councillors.—(1) The seats shall be reserved for the Scheduled Castes and Scheduled Tribes in proportion to their population. The seat in ward having highest percentage of population of Scheduled Castes shall be reserved for the

members of the Scheduled Castes and seat in the ward having the highest population of Scheduled Tribes shall be reserved for the Scheduled Tribes.

(2) If the number of seats to be reserved for the members of Scheduled Castes or Scheduled Tribes is more than one, then the seat in ward having the next highest percentage of Scheduled Castes and Scheduled Tribes shall be reserved for the members of the Scheduled Castes and Scheduled Tribes, as the case may be, and so on:

Provided that if the total population of Scheduled Castes and Scheduled Tribes in a municipal area is **less than 5%** of the total population, then no seat shall be reserved for them.

(3) Out of the seats reserved for members of Scheduled Castes and Scheduled Tribes, one – half of the seats shall be reserved for women members belonging to Scheduled Castes and Scheduled Tribes, as the case may be. **The reservation of seats for Scheduled Castes and Scheduled Tribe Women, as the case may be, shall be made by draw of lots.**

Provided that if the number of seats reserved is not more than one, then there shall be reservation for men and women belonging to Scheduled Castes and Scheduled Tribes, as the case may be, alternatively, **after every five years;**

Provided further that if the number of seats reserved for the members of Scheduled castes and Scheduled Tribes, as the case may be, are two then atleast one ward shall be reserved for the women member belonging to Scheduled Castes and Scheduled Tribes, as the case may be.

(4) In the corporation out of the total wards formed under **rule 9**, one –half of the seats shall be reserved for women including the reservation made under sub-rule(4) and in computing these seats if the remainder after dividing is one, then in the first election the seats reserved for women shall be increased by one and in the next election it shall not be added and so on.

(5) The seats reserved for Scheduled Castes and Scheduled Tribes and Women belonging to Scheduled Castes and Scheduled Tribes on the basis of percentage of population shall be changed in the next election and at the time of following elections, the seats of the ward / wards, containing the next highest percentage of population shall be reserved for members of Scheduled Castes and Scheduled Tribes including Women belonging to Scheduled Castes and Scheduled Tribes and the seat of the ward earlier reserved shall be kept open to the members of the *general category and so on for subsequent elections.

Explanation.—General category herein above includes men or women or both belonging to this category.

(6) The reservation of seats for Women shall be made by draw of lots after excluding the seats which have been reserved for Scheduled Castes and Scheduled Tribes candidates including women belonging to Scheduled Castes and Scheduled Tribes, as the case may be.

(7) The Deputy Commissioner shall issue a three days clear notice specifying therein the date, place and time of the draw of lots and such notice shall be affixed on the notice board of his office and that of the Corporation and he shall also proclaim it by beat of drums within the municipal area. The draw shall take place on the date, place and time specified above in the presence of atleast three prominent persons of the municipal area and three gazetted officers of the Government.

(8) No ward shall be reserved for Scheduled Casts and Scheduled Tribes Candidates in two consecutive elections.

(9) Notwithstanding anything contained in these rules, the roster of reservation of seats **for women** shall operate from the initial stage for the elections to be held after the commencement of the above rules as if said elections are being conducted for the first time and thereafter, the reservation of seats shall be rotated to different wards of Corporation under this rule:

(10) The reservation made by the Deputy Commissioner shall be given wide publicity by him by affixing a copy of the order of such reservation on the notice board of his office and that of the Corporation and be shall also sent a copy of the same to the Government.

11. Report to Commission.—The Government shall cause to be delivered a copy of final reservation order made by it immediately to the State Election Commission.

CHAPTER-III RESERVATION AND ROTATION OF OFFICE OF MAYOR

12. Reservation and rotation of the office of Mayor.—(1) The reservation for the office of Mayor shall be as under:-

- (i) During first five year General
- (ii) During second five year Women
- (iii) During next five year SC
- (iv) During next five year ST

Provided that where the population of any class of persons referred to above is less than fifteen per cent of the total population of the Corporation area, the office of Mayor shall not be reserved for that class and same shall be open to all categories.

(2) The roster of reservation in sub-rule (1) shall be repeated after **completion of one cycle**.

13. Report to Commission.—The Government shall cause to be delivered a copy of the order regarding final reservation and rotation of office of Mayor made by it immediately to the Commission.

CHAPETER-IV ELECTORAL ROLLS

14. Electoral roll for every ward.—(1) For each ward **or polling station** of a Corporation, there shall be a electoral roll which shall be prepared in the manner specified in **rules 15 to 29** by the **Electoral Registration Officer** under the superintendence, direction and control of the Commission:

Provided that nothing in this rule shall prevent the use of the relevant part of the current electoral rolls of the Assembly constituency for the preparation of draft rolls for the elections under these rules.

(2) The electoral rolls shall be prepared in Hindi Devnagari Script in such form as may be directed by the State Election Commission.

15. Preparation of Electoral Roll.—When a direction is given under **rule 14** by the Commission, the **Electoral Registration Officer** shall cause to be prepared electoral roll, for each ward or part there of the Corporation, in accordance with these rules.

16. Disqualification for registration in electoral rolls.—(1) A person shall be disqualified for registration in an electoral roll, if he, –

- (a) is not a citizen of India; or
- (b) is of unsound mind and stands so declared by a competent court; or
- (c) is for the time being disqualified for voting under the laws relating to corrupt practices and other offences in connection with elections to municipalities or Assembly or Parliament; or
- (d) is not ordinarily resident of the ward; or
- (e) is less than 18 years of age on or before 1st January or the date as may be notified by the Commission for the preparation or revisions of electoral rolls as the case may be; or
- (f) *is already registered as elector in any other municipality or Gram Sabha, as the case may be.*

(2) A person shall be entitled to be registered in the electoral rolls for only one ward of the Corporation.

(3) A person shall not be deemed to be ordinarily resident in a ward on the ground only that he owns, or is in possession of dwelling house therein. A person absenting himself temporarily from his place of ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

17. Publication of electoral roll in draft.- (1) **Once the draft electoral roll of a ward is ready, the Electoral Registration Officer shall publish it in draft according to programme issued by the Commission** together with a notice in **Form-3** and make available copies thereof for inspection at his office, and in the offices of the Corporation and Tehsil concerned.

(2) The notice under sub-rule (1) shall also be given publicity through news-papers having large circulation in the area, All India Radio, by beat of drum in the town and by affixing copies of such notice in his office and office of the Corporation and the Tehsil concerned and at such other conspicuous place where the public has free access. The notice shall contain the date by which objections or claims may be filed and the authority or authorities to whom they may be presented.

18. Period for lodging claims and objections.—Every claim for the inclusion of name in the electoral roll and every objection to an entry therein shall be lodged within a period of 10 days from the date of publication of draft electoral roll under **rule 17**, or within such period as may be fixed by the Commission in this behalf.

19. Appointment of Revising Authorities.—The **Electoral Registration Officer** may appoint one or more Revising Authority(ies) for the purpose of hearing claims and objections relating to electoral roll of a ward or wards. **These appointments as and when made shall be given wide publicity.**

20. Manner of lodging of claims and objections.—(1) A claim or objection shall be addressed to the Revising Authority specified in the notice referred to in **rule 19** and shall be presented to it personally or sent by registered post. Every claim for inclusion of name, objection to the inclusion of the name or objection to the particulars in any entry in the electoral roll shall be in **Forms 4,5 or 6**, as the case may be.

(2) A claim shall be signed by the person desiring his name to be included in the electoral roll and countersigned by another person whose name is already included in the electoral roll in which the claimant desires his name to be included and shall, unless sent by post, be presented by claimant himself or by a person authorized by him in writing in this behalf.

(3) No person shall prefer an objection to the inclusion of any name in the electoral roll, unless his name is already included in that electoral roll **of the Corporation.**

(4) The Revising Authority shall maintain a register of claims, in **Form-7**, a register of objections to the inclusion of names in **Form-8**, and a register of objections to the particulars in any entry in **Form-9**, and cause to be entered therein the time of their receipt, particulars of every claim or objection, as the case may be.

(5) Any claim or objection, which is not lodged within the specified period or in the manner herein specified, shall be rejected and the decision shall be recorded in the register prepared in **Forms 7, 8 and 9**, as the case may be.

21. Notice of claims and objections.—(1) Where a claim or objection is not rejected under sub rule (5) of **rule 20**, the Revising Authority shall after the period specified for the presentation of claims and objections has expired, exhibit on the notice board of his office, a list of all claims or objections in **Forms 10, 11 and 12**, as the case may be.

(2) Every claimant and objector shall be given a notice regarding place, date and time of hearing of such claim or objection and shall further be asked to adduce such evidence, as he may like to adduce in **Forms 13, 14 and 16**, as the case may be.

(3) A person against whom objection has been received by the Revising Authority for the **inclusion or** deletion of his name in or from the electoral roll shall also be given a notice in **Form 15** of the place, date and time fixed for hearing of objection, at his last known place of residence and be asked to adduce such evidence as he may like to adduce for his defense.

22. Disposal of claims and objections.—(1) On the date, time and place fixed under the provisions of **rule 20**, the Revising Authority shall hear and **decide within 10 days or such shorter period as may be specified by the Commission** the claims and objections under the provisions of these rules, and shall record his decision in the registers in **Forms 7, 8 and 9**, as the case may be.

(2) Copy of the order relating to the objection shall be given on payment of Rs. 15/- to the claimant against receipt and objector immediately, if he is present. Otherwise he can get the copy of the same on payment of Rs. 25/- in cash against receipt.

(3) Any person aggrieved by an order passed under the provisions of **sub-rule (1)**, may, within 3 days from the date of the order, file an appeal to **Electoral Registration Officer**, who shall as far as practicable, within a week, decide the same.

(4) If it appears to the **Electoral Registration Officer** that due to inadvertence **or** error during the preparation of **draft** electoral rolls, names of electors have been left-out of the electoral roll or the name of dead persons or persons who ceased to be or are not ordinarily resident in the ward have been included in the electoral roll **or certain voters have been shown in the wrong ward or polling station** and that remedial action is required to be taken under this sub-rule, he shall **within seven days from the date of publication of draft electoral roll -**

- (a) prepare a list of the name and other particulars of such electors;
- (b) exhibit on the notice board of his office a copy of the list together with a notice as to the date(s) and place (s) at which the matter of inclusion of the names in electoral roll or deletion of the names from the electoral roll shall be considered; and
- (c) after considering any verbal or written objection that may be preferred, decide whether all or any of the names may be included in or deleted from the electoral roll.

23. Final publication of electoral roll.—(1) The Revising Authority as soon as it has disposed of all the claims or objections presented to it, shall forward the same along with the register of such claims or objections and the orders passed by it thereon to the **Electoral Registration Officer**, who shall cause the electoral roll to be corrected in accordance with such orders or the orders passed on appeal by him under sub-rule (3) of rule-22 **and corrections consequential to sub rule (4) of rule 22**, as the case may be, and shall publish the **final electoral roll, on a date fixed by the Commission** by making a complete copy thereof available for inspection and display a notice thereof in **Form-I7** in his office and also in the offices of the Corporation and the Tehsil concerned.

(2) On such publication, the electoral roll with or without amendments shall be the electoral roll of the ward and shall come into force from the date of its publication under this rule.

24. Special Revision of electoral rolls.—Notwithstanding anything contained in **rule 23**, the Commission may at any time, for the reasons to be recorded, direct a special revision for any ward in such a manner as it may think fit :

Provided that, subject to, other provisions of these rules, the electoral rolls for the wards as in force at the time of the issue of any such directions shall continue to be in force until the completion of the special revision, so directed.

25. Correction of entries in Electoral Rolls.—If the **Electoral Registration Officer** on an application in **Form-6** or in **Form-18** made to him, or on his own motion, is, satisfied, after such inquiry as he thinks fit, that any entry in the electoral roll -

- (a) is erroneous or defective in any particular;
- (b) should be deleted on the ground that the person concerned is dead or has ceased to be ordinarily resident or is otherwise not entitled to be registered in that electoral roll, he shall amend or delete the entry:

Provided that before taking any action on any ground under clause (a) or clause (b), the **Electoral Registration Officer** shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him:

Provided further that an application under this rule at any time after the publication of the election programme under **rule 33** shall be made to the **Electoral Registration Officer** not later than 8 days before the last date fixed for the filing of nomination papers.

26. Inclusion of names in electoral roll, finally published.—(1) Any person, whose name is not included in the electoral roll, shall make an application in **Form-4** (in duplicate) to the **Electoral Registration Officer** for inclusion of his name in that electoral roll, and such application shall be accompanied by a fee of Rs. 50/- to be paid in cash against receipt:

Provided that after the publication of the election programme under **rule 33** such an application shall be made not later than 8 days before the last date for the filing of nomination papers.

(2) The **Electoral Registration Officer** shall immediately on receipt of application under **sub-rule (1)** paste one copy thereof in some conspicuous place at his office and invite objections thereto to be filed within a period of 4 days from the date of such pasting.

(3) The **Electoral Registration Officer** shall, as soon as may be, after the expiry of the period as specified in the notice under sub-rule (2), consider the objections, if any received by him and shall, if satisfied that the applicant is entitled to be registered in the electoral roll, direct such name to be included therein accordingly:

Provided that if the applicant whose name is ordered to be included, is already registered in the electoral roll of any other ward such a name shall be deleted from that electoral roll.

(4) Where an application made under sub-rule (1) is rejected, an appeal shall lie, within period of ten days from the date of rejection of the application for the inclusion of name or deletion of name to the **Divisional Commissioner** and the appeal shall be accompanied by a fee of Rs. 50/- to be paid in cash against receipt. The **Divisional Commissioner** shall decide the appeal within 7 days after giving opportunity to the party concerned of being heard and the order passed on such appeal shall be final.

(5) No amendment, transposition or deletion of any entry shall be made on or after the last date for making nomination till the election process is over.

27. Custody and preservation of electoral roll and connected papers.—(1) After the electoral roll for a ward has been finally published, the following papers shall be kept in the office of the **Electoral Registration Officer** or at such other place as the Commission may by order specify until the said electoral roll remains in force:-

- (a) complete spare copies of the electoral roll;
- (b) papers relating to claims and objections and orders under **rule 22**;
- (c) applications under **rules 25 and 26** and decisions thereon;
- (d) papers relating to appeals under **sub-rule (4) of rule 19**; and
- (e) manuscript and other papers if any prepared by enumerating agencies and used for compiling the roll.

(2) One complete copy of the electoral roll for each ward duly authenticated by the **Electoral Registration Officer** shall also be kept at such places as the Commission may specify till the new electoral roll is finally published.

28. Inspection of electoral rolls and connected papers.—Every person shall have the right to inspect the electoral rolls under **rule 27** and get a copy thereof on payment of Rs. 10/-per page or part thereof to be paid in cash-against a receipt.

29. Disposal of electoral rolls and connected papers.—The papers under **rule 27** shall, on the expiry of the period specified therein, be disposed of in such manner as the State Election Commission may direct.

CHAPTER-V OFFICERS AND THEIR DUTIES

30. Returning Officers and their duties.—(1) The Commission shall appoint the Deputy Commissioner of the District or such other officer, as it may deem fit to be the Returning Officer in respect of elections for the Corporation.

(2) The Returning Officer shall appoint as many Assistant Returning Officers as may be necessary to perform all or any of his duties.

(3) It shall be the duty of the Returning Officer to do all such acts and things as may be necessary for effectively conducting the election in the manner provided by these rules or orders made there-under.

(4) The Returning Officer shall fix such number of polling stations for every ward as he may deem necessary and shall publish on the date specified **by the Commission** in this behalf, by pasting a list thereof at his office and at the office of the Corporation showing therein clearly the polling area:

Provided that no polling station shall be located in a police station, hospital or a place having sectarian or religious significance:

Provided further that as far as possible the polling station shall be located in a Government, Semi Government or Municipal buildings, and in case no such building is available, the polling station shall be located in a temporary structure.

31. Appointment of polling personnel.—(1) The Returning Officer shall appoint Presiding Officers and such number of Polling Officers, as he thinks necessary, in respect of each polling station:

Provided that if the Polling Officer is absent from the polling station, the Presiding Officer may appoint any Government or Semi-Government or Municipal servant, who is present at the polling station, as a polling officer during the absence of the former Officer and inform the Returning Officer accordingly.

(2) If the Presiding Officer, owing to illness or any other unavoidable cause is absent from the polling station, his functions shall be performed by such polling officer, as has been previously authorized by the Returning Officer to perform such functions during any such absence.

32. Duties of the Deputy Commissioner and other officers/staff.—(1) The **Deputy Commissioner/District Magistrate** and other officers/staff shall subject to the supervision and control of the State Election Commission do all such acts and things as may be necessary for effectively conducting the elections in the manner provided by these rules or orders made there-under.

(2) The officers or staff employed in connection with the preparation, revision and correction of the electoral rolls for and the conduct of elections shall be deemed to be on deputation with the Commission for the period during which they are so employed and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Commission.

CHAPTER-VI CONDUCT OF ELECTIONS

33. Election Programme.—(1) The State Election Commissioner shall frame a programme of general elections of the Corporation or a programme to fill up any casual vacancy in a Corporation or hold election to a Corporation which has been dissolved (hereinafter referred to as "election programme").

- (2) The election programme shall specify the date or dates on, by, or within which -
- (i) the nomination papers shall be presented;
 - (ii) the nomination papers shall be scrutinized;
 - (iii) a candidate may withdraw his candidature;
 - (iv) the list of contesting candidates shall be affixed;
 - (v) the list of polling stations shall be pasted;
 - (vi) the poll, if necessary shall be held on.....from..... A.M. to..... P.M. (the hours of poll shall not be less than six hours).
 - (vii) the counting in the event of poll, shall be done..... (here time and, place fixed for the purpose shall also be specified) ; and
 - (viii) the result of the election shall be declared.

(3) The election programme shall be published seven days before the date of filing of nomination papers by pasting a copy at the office of the Deputy Commissioner, Tehsil and Corporation and at such other conspicuous places in the said Corporation as may be determined by the Deputy Commissioner in this behalf.

(4) The period for filing of nomination papers shall be three **working** days and the date of scrutiny shall be the next working day from the last date of filing of nomination papers. The date of withdrawal shall be the third **working** day from the date of scrutiny. The date for affixing the list of contesting candidates shall be the same as fixed for withdrawal of candidature. The list of polling stations shall be published **approximately one month before the date of poll or on a date as may be specified by the Commission**. The gap between the date of withdrawal and the date of poll shall at least be fifteen days and the day of poll shall preferably be a Sunday or any gazetted holiday.

- (5) The Commission may by an order amend, vary or modify the election programme:

Provided that unless the Commission otherwise directs no such order shall be deemed to invalidate any proceedings taken before the date of the order.

34. Notice of election.—(1) The **Returning Officer** shall on the date on which the election programme is issued by the Commission under **rule 33** shall affix a notice in **Form-19** at his office, and at the office of the Tehsil and the Corporation, and such other places as the **Returning Officer** may determine to -

- (a) invite nomination papers of candidates for election ;

- (b) fix the date, time and place for submitting the nomination papers;
- (c) specify the authority to whom nomination shall be submitted;
- (d) fix the date, time and place for the scrutiny of nomination papers :
- (e) fix the date, time and place and authority for the receipt of notice of withdrawals;
- (f) fix the date, time and place for the allotment of symbols; and
- (g) fix the date and time of poll , if necessary.

Explanation.—The dates fixed under clauses (b), (d), (e) and (g) shall be the same as specified under **rule 33** in this behalf.

(2) For the purpose of election, the Commission the **Returning Officer** may on payment of compensation to the owner or the person in possession or having control over it, requisition any premises, vehicle, vessel or animal and may, after the election, release it from the requisition;

Provided that where any premises, vehicle, vessel or animal, belonging to or owned by the State Government or its instrumentalities, is requisitioned the compensation payable there for shall not exceed the amount as may be determined by the State Government from time to time.

35. Notification of symbol.—The Commission shall , by notification published in the Official Gazette, specify the symbols that may be allotted to the candidates at an election to the Corporation and may amend or vary the list of symbols from time to time.

36. Classification of symbols.—(1) For the purpose of these rules symbols are either reserved or free.

(2) A reserved symbol is a symbol which is reserved for a recognized political party for exclusive allotment to contesting candidates set up by that party.

(3) A free symbol is symbol other than a reserved symbol.

37. Nomination of candidates for election.- (1) (a) Any person registered as a voter within the Corporation, may be nominated as a candidate **for the post of Mayor /Deputy Mayor** by another person, **who is a registered voter** in the electoral roll of **the municipality**.

(b) Any person registered as a voter within the Corporation, may be nominated as a candidate for the post of Councilor of a ward by another person, who is registered voter in the electoral roll of that ward of the Corporation.

(2) The nomination paper in **Form-20** duly filled up and signed by the proposer and candidate shall be delivered to the authority specified under clause (c) of sub-rule(1) of **rule 34** by each candidate either in person or by his proposer between 11 A.M. and 3.00 P.M. on the date specified for the filing of nomination papers.

(3) In any ward/municipality which is reserved for the members of Scheduled Castes and Scheduled Tribes, the nomination paper shall not be treated as valid, unless it contains a declaration by the candidate specifying particular caste or tribe of which he is a member and the

candidate submits a certificate issued by the competent authority authorized by the State Government, certifying that the candidate belongs to such **Scheduled** caste or **Scheduled** tribe, as the case may be.

(4) On the presentation of the nomination papers, the Returning Officer shall satisfy himself about the name and the serial number of the candidate and his proposer, as entered in the nomination paper are the same as those entered in the electoral roll :

Provided that not more than three nomination papers shall be presented by or on behalf of any candidate or accepted **by the Returning Officer** for election in the same ward/municipality:

Provided further that the Returning Officer shall permit any clerical or technical error in the nomination papers in regard to the said nomination papers in regard to the said names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the Electoral Roll and where necessary direct that any clerical or printing error in the said entries shall be ignored.

38. Security deposits.—(1) A candidate shall not deemed to have been nominated for election unless he has deposited or cause to be deposited as security with the Returning Officer in cash against receipt the following sum of money:-

- (a) **In case of a Mayor/Deputy Mayor of Corporation a sum of Rs. 5000/- but in case where a candidate is woman or a member of Scheduled castes or Scheduled Tribes, a sum of Rs.3000/-.**
- (b) **In case of Councilor of Corporation from any constituency a sum of *Rs. 3000/- but in case where a candidate is woman or a member of Scheduled castes or Scheduled Tribes, a sum of Rs. 2000/- :**

Provided that where a candidate has been nominated by more than one nomination paper for election in the same ward/municipality, not more than one deposit shall be required under this rule.

(2) If a candidate by whom or on whose behalf the security has been deposited, withdraws his candidature within the time specified in **rule 34** or if the nomination of any such candidate is rejected the security deposit shall be refunded to the person by whom it was made or if such person is dead, to his legal representatives, after the date of declaration of result of election.

(3) If the contesting candidate is not elected and the number of valid votes polled by him is less than one sixth of the total number of valid votes polled, the security deposited shall be forfeited to the State Government.

(4) If the security deposited is not forfeited under **sub-rule (3)**, the same shall be refunded to the candidate by whom it was made or if he is dead, to his legal representatives, after the notification of the result of election is issued and published in the Official Gazette.

39. Notice of Nominations.—The Returning Officer shall on receiving the nomination papers under **sub rule(2) of rule 37** enter on the nomination papers it's serial number and shall sign thereon a certificate stating the date on which and the hour at which, the nomination paper has been delivered to him. A notice of nominations in **Form-21** containing description similar to those contained in the nomination papers both of the candidate and his proposer shall be affixed in some conspicuous place in his office.

40. Scrutiny of nomination papers.—(1) On the date fixed for the scrutiny of nomination papers under **rule 34** the candidate and one other person duly authorized in writing by each candidate, may attend **process of scrutiny** and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all the candidates which have been **received by him** within the time and in the manner laid down in **rule 37**.

(2) The Returning Officer shall examine the nomination papers and decide all objections which may be made to any nomination and may, either on such objection or on his own motion after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely :-

- (a) that on the date fixed for the scrutiny of nomination, the candidate either is not qualified or is disqualified for being chosen to fill the seat under the provisions of these rules or the Act or any other law for the time being in force; or
- (b) that there has been a failure to comply with any of the provisions of **rule 37** or **rule 38**; or
- (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b) or clause (c) of sub-rule (2) shall be deemed to authorize the rejection of **other nomination of the same candidate where such rejection is not warranted**.

(4) The Returning Officer shall hold the scrutiny on the date and time appointed in this behalf under clause (d) of **rule 34**. **The process of scrutiny once started shall not be adjourned**, except, when such proceedings are interrupted or obstructed by riots, open violence or by causes beyond the control of the Returning Officer :

Provided that in case an objection is raised by the **Returning Officer or is made by** the candidate or the person duly authorized in writing by the candidate, the candidate concerned may be allowed time to defer it not later than the **day next to the day of scrutiny** and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(5) The Returning Officer shall record on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of reasons for such rejection.

(6) For the purpose of this rule, an entry in the electoral roll for the time being in force of a ward shall be conclusive evidence of the fact that the person referred to in that entry is a voter for that ward.

(7) Immediately after all the nomination papers have been scrutinized and the decision accepting or rejecting the same have been recorded, the Returning Officer shall prepare in **Form 22** a list of validly nominated candidates that is to say, candidates whose nomination have been found valid and affix on the notice board at the office of the Returning Officer.

41. Withdrawal of candidature.—(1) Any candidate may withdraw his candidature by notice in writing in **Form 23** subscribed by him and delivered to the Returning Officer or the Authority specified in this behalf under clause (e) of **rule-34**, before 3 P.M. on the date specified in the said rule, and no person who has thus withdrawn his candidature shall be allowed to cancel the notice of such withdrawal.

(2) Upon receiving a notice of withdrawal of candidature, the Returning Officer or the specified authority shall cause a notice in Form 24 to this effect to be affixed in some conspicuous place in his office.

42. List of contesting candidates.—(1) On completion of the scrutiny of the nomination papers and after the expiry of the period within which candidature may be withdrawn under **rule 41** the Returning Officer shall forthwith prepare a list of contesting candidates in Hindi in **Form 25** and cause it to be affixed on the notice board of his office and shall also supply a copy thereof, to each of the contesting candidates and on demand to its election agent.

(2) The said list shall contain in Hindi in Devnagari script the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers.

43. Allotment of symbols to candidates.—(1) After the list of contesting candidates is prepared, if the number of candidates is more than one, the Returning Officer shall, to Page- 16 - every contesting candidate -

- (a) Where such a candidate is set up by a political party at any election in ward/municipality allot the election symbol reserved for that party by the Election Commission of India; and
- (b) Where such a candidate is not set up by a political party, allot the free symbol according to the serial number in the list of contesting candidates, and out of the approved free symbols, in accordance with the serial number of the free election symbols specified in notification under **rule 35**.

(2) In every case where an election symbol has been assigned to a candidate under **subrule (1)** such candidate shall forthwith be informed of the election symbol so assigned and be supplied with a specimen thereof by the Returning Officer. In that event the list of contesting candidates shall also contain election symbol allotted to each candidate.

44. When a candidate shall be deemed to be set up by a political party.—For the purpose of these rules, a candidate shall be deemed to be filled up by a political party if, and only if-

- (a) the candidate has made a declaration to that effect in his nomination paper,
- (b) a notice in writing to that effect has not later than 3.00 P.M. on the last day of withdrawal of candidature been delivered to the Returning Officer and the said notice is signed by the President **or** the Secretary or any other office bearer of the party, **provided** the President **or** Secretary or such other office bearer is authorized by the party to send such a notice and the name and specimen signatures of such authorized person are communicated to the Returning Officer and to the Secretary State Election Commission not later than 3.00 P.M on the last date for the withdrawal of candidature.

45. Appointment of Election Agent.—If a candidate desires to appoint an election agent, such appointment shall be made as per **Form 26** either at the time of delivering the nomination paper or at any time before election.

46. Appointment of polling agent.—(1) The number of polling agents, that may be appointed by a candidate shall be one for each polling station.

(2) Every such appointment shall be made as per **Form-27** and shall be made over to the polling agent for production at the polling station.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the documents of his appointment under **sub-rule (2)** after duly completing and signing the declaration contained therein before the Presiding Officer.

47. Non-attendance of agent.—Where any act or thing is required or authorized by these rules to be done in the presence of agents, the non attendance of any such agent or agents at the time and place appointed for the purpose shall not, invalidate the act or thing done.

48. Maximum election expenses and account thereof.—(1) The maximum limit of election expenditure to be incurred by a contesting candidate or **and through his authorized agents shall not exceed:-**

For Mayor/Dy. Mayor of Municipal Corporation : **Rs. 3.00 Lac.** For Councillor of Municipal Corporation : **Rs.1.00 lac**

(2) Every candidate contesting election from a ward/Municipal Corporation shall keep an account of election expenditure in a register to be called the register of election expenditure in **Form-28.**

(3) The account under sub-rule (2) shall be maintained by the contesting candidate either himself or **person authorized by him under intimation to the Returning Officer.**

(4) The account shall be correctly **and truly** maintained in respect of each item of expenditure on day to day basis from the date of **filing of nomination papers up to the date a day after the declaration of result.**

(5) All expenditure by the candidate or his authorized election agent on all the items of expenditure maintained in **Form 29** shall be included in the aforesaid account of election expenditure.

(6) All documents such as vouchers, receipts, acknowledgements etc. in support of expenditure incurred and recorded in the register shall be maintained correctly.

(7) The day-to-day account maintained shall be made available for inspection at any time during the process of election to the Returning Officer or any other Officer authorized by him **or the Commission.**

(8) Failure on the part of the candidate or his authorized agent/**person**, as the case may be, to submit the account of election expenses within the time and in the manner required by the Act and these rules or, to produce the register of election expenditure on demand by an officer authorized to do so, shall be deemed to be a corrupt practice under section 21.

(9) A statement of account of the total election expenditure maintained shall be submitted to the **Returning Officer within ten days of declaration of the result.**

(10) The statement of account shall be submitted in **Form-29** and **30** alongwith an affidavit of the candidate in **Form- 31.**

(11) On receipt of the statement of accounts, the **Returning Officer** shall issue an acknowledgement in **Form- 32.**

CHAPTER-VII

GENERAL PROCEDURE OF ELECTION

49. Death of candidate before poll.—The poll shall be countermanded for the Municipality/ward if any of its validly nominated and contesting candidate demises. On such an occurrence, the Returning Officer shall, upon being satisfied of fact of the death shall send a report to the Commission and proceedings with reference to the election shall be commenced afresh in all respects as if for a new election in accordance with these rules:

Provided that no further nomination shall be necessary in the case of a person who was already a validly nominated candidate or a contesting candidate, as the case may be, at the time of the countermanding of the poll.

50. Contested and un-contested elections.—(1) Subject to the provisions of rule 49, if there is only one contesting candidate in the field, the Returning Officer shall forthwith declare such candidate duly elected to fill the seat and issue a declaration in **Form-33**. If there is no contesting candidate in the field, the Returning Officer shall report the matter to the Commission with a view to take further action accordingly.

(2) If the number of contesting candidate in the field is more than one, a poll shall be taken on the date specified under **rule 34**.

51. Adjournment of poll in emergencies.—(1) If at an election the proceedings at any polling station are interrupted or obstructed, by riot or open violence, or if it is not possible to take the poll at that polling station on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station, shall announce an adjournment of the poll for a date to be notified later and shall forthwith inform the Returning Officer.

(2) Where a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the Commission and to the State Government and shall, as soon as may be, appoint the day on which the poll shall recommence and fix the polling station at which and the hours during which, the polling shall take place. The votes cast at such election shall not be counted until such adjourned poll is completed and the ballot box used at such polling station shall be sealed and kept in safe custody till the commencement of the counting.

(3) In all the cases under this rule, the Returning Officer shall affix a notice specifying the date, place and hours of polling fixed under sub-rule (2) at his office and in the office of the Municipal Corporation and the Tehsil concerned.

52. Fresh poll in the case of destruction etc. of the ballot box.—(1) If at any election any ballot box is unlawfully taken out of the custody of the Presiding Officer or is in any way tampered with, or is either accidentally or intentionally destroyed, lost or damaged, the polling at the polling station to which such ballot box relates shall be liable to be declared as void.

Explanation.—Damage to a ballot box also includes damage or destruction of ballot papers done at the time of counting of votes but before the completion of counting and declaration of result.

(2) Whenever the polling at any polling station becomes liable to be declared as void under sub-rule (1), the Presiding Officer shall, as soon as practicable after the act or event causing such damage or destruction, report the matter to the Returning Officer who in the event of his being so satisfied that in consequence thereof the result of the poll of that polling station can not be

ascertained, declare the polling void and shall appoint a day taking the poll afresh at such polling station, and fix the hours during which the poll shall be taken and shall not count the votes cast at other polling stations of the ward until such fresh poll has been completed.

53. Restriction on contest of election in more than one Municipality and ward.—No person shall contest election for more than one office of the Corporation at the same time.

54. Method of voting.—(1) At every election where a poll is **to be** taken votes shall be cast in person and given by ballot or electronic voting machine at the polling station fixed under **rule 30** and no votes shall be cast by proxy :

Provided that the giving and receiving of votes by electronic voting machine, in such manner as may be prescribed under the rules or the directions issued in this behalf, by the State Election Commission, may be adopted in a ward or wards of a Corporation as the State Election Commission may specify.

(2) No voter shall vote in the election of the Corporation more than once **for each office** notwithstanding that his name may have been erroneously registered in the electoral roll more than once.

55. Procedure on adjournment of poll.—(1) If the poll at any polling station is adjourned under **rule 51** the provisions of these rules with regard to poll shall apply to every such fresh poll as they apply to the original poll.

(2) When an adjourned poll is recommended under **sub-rule (2) of rule 51** the voter who has already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is to be held with the sealed packets containing the marked copy of the electoral roll and required number of ballot papers and a new ballot box.

(4) The Presiding Officer shall open the sealed packet in the presence of such candidates or their agents as may be present and use the same for the conduct of adjourned poll.

56. Ballot box and paper seal.— (1) Every ballot box and paper seal to be used at an election shall be of such design as may be used at any election to the Legislative Assembly of Himachal Pradesh or as may be approved by the Commission, as the case may be.

(2) A paper seal shall be used for securing a ballot box and the Presiding Officer shall affix his own signature and obtain thereon the signatures of the candidates or of such of the polling agents as are present and desirous of affixing the same. The paper seal shall be of such design as may be specified by the Commission and proper record of paper seal used or unused shall be maintained in **Form-34**.

(3) The Presiding Officer shall thereafter fix the paper seal in the space meant therefore in the ballot box and shall then secure and seal the box in such a manner that the slit for insertion of ballot paper therein remains open.

(4) Every ballot box used at a polling station shall bear labels, both inside and outside and marked with -

(a) the serial number and the name of the ward;

- (b) the serial number and the name of polling station;.
- (c) the serial number of the ballot box (to be filled in at the end of the label on the outside of the ballot box only); and
- (d) the date of poll.

(5) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the candidates and polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (4).

(6) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer, the candidates and the polling agents.

57. Facilities for women voters in the elections.—(1) Where a Polling Station is for both men and women voters, the Presiding Officer may direct that they shall be admitted in the polling station alternatively.

(2) The Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women voters and the Presiding Officer in taking the poll and in particular to help in searching the name of any woman voter in case it becomes necessary.

58. Form of ballot papers.—(1) Every ballot paper alongwith its counterfoil shall be in **Form-35** and the particulars therein shall be in Hindi in Devnagri script.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates prepared under **rule-42**. The-ballot papers shall be printed in the design/colour as specified by the Commission.

59. Arrangement at Polling Station.—(1) Outside each polling station there shall be displayed prominently -

- (a) a notice specifying the polling area the voters of which are entitled to vote at the polling station or where polling station has more than one polling booths, at each one of such booths or the description of the voter allotted to any such booth; and
- (b) another notice in Hindi in Devnagri script containing the list of contesting candidates prepared under **rule 42**, alongwith the symbols allotted under **rule 43**.

(2) At each polling station there shall be set up one or more compartments in which voters can record their votes in secrecy.

(3) The Returning Officer shall provide at each polling station required number of ballot boxes, copies of title relevant part of electoral roll, the ballot papers, and other articles necessary for the conduct of poll.

60. Commencement of poll.—The Presiding Officer shall start the poll exact at the time mentioned in notice of election and before commencement of the poll, he shall bring to the notice of all, who are present, the provisions of section 22 of the Himachal Pradesh Municipal Corporation Act, 1994 (Act 12 of 1994). The provisions of this section are as under:-

“22 Maintenance of secrecy of voting.—(1) Every Officer or Official agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorized by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1), shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.”.

61. Admission to polling station.—The Presiding Officer shall regulate the number of voters to be admitted, at anyone time inside the polling station and shall exclude therefrom all persons other than -

- (a) Polling Officer;
- (b) Candidates and their agents;
- (c) Returning Officer or such other persons as may be authorized by him;
- (d) Public servants **appointed** on duty in connection with the election **by the election authority**;
- (e) A child in arms accompanying a woman voter and a companion accompanying blind or infirm voter who cannot move without help;
- (f) Such other person as the Presiding Officer may employ under **sub-rule (2) of rule 57, sub rule (1) of rule 62**; and
- (g) State Election Commissioner or such other persons as may be authorized by him.

62. Identification of voters.—(1) The Presiding Officer may employ at the polling station such **number** of persons as he thinks fit to help him in the identification of voters and to assist him in taking the poll.

(2) As each voter enters the polling station, the Presiding Officer, or the Polling Officer authorized by him in this behalf shall check the voter's name and the other particulars with the relevant entries in the electoral roll and then call out the serial number, name and other particulars of the voter.

(3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the voter to whom such entry relates.

63. Persons entitled to vote by post.—Subject to their fulfilling the requirements herein after specified, the persons who are voters and are on election duty shall be entitled to vote by post at an election in a ward of the Corporation.

64. Intimation by voters on election duty.—(1) A voter on election duty who wishes to vote by post at an election shall send an application in Form 36 to the Returning Officer so as to reach him atleast seven days or such shorter period as the Returning Officer may allow before the date of the poll, and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.

(2) Where a person being a Polling Officer, Presiding Officer or other public servant on poll duty in the ward of which he is an elector, wishes to vote in person at an election in a Corporation/ward and not by post, he shall send an application in **Form 37** to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is a public servant and voter on poll duty in the ward, he shall -

- (a) issue to the applicant an poll duty certificate in **Form -38**.
- (b) mark "EDC" against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him; and
- (c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

65. Facilities for persons on election duty.—(1) The provisions of **rule 62** shall not apply to any person who produces at the polling station, an election duty certificate in **Form 38** and asks for the issue of a ballot paper to him although the polling station is different from the one where he is entitled to vote.

(2) On production of such certificate the Presiding Officer shall -

- (a) obtain thereon the signatures of the person producing it;
- (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of marked copy of the electoral roll; and
- (c) issue to him a ballot paper, and permit him to vote in the same manner as for an elector entitled to vote at that polling station.

66. Procedure for preventing impersonation of voters.—(1) Subject to the other provisions of this rule every voter to whom a ballot paper has to be supplied for the purpose of voting at a polling station shall before receiving such ballot paper, allow -

- (a) the inspection of his left forefinger to the Presiding Officer and any Polling Officer; and
- (b) an indelible ink mark to be put on his left forefinger.

(2) If any person refuses to allow such inspection of his left forefinger; or persists in doing any act with a view to removing such mark after it has been put, he shall not be entitled to be supplied with any ballot paper or to record his vote at the election.

(3) No person, who already has a mark on his forefinger, shall be supplied with any ballot paper and if any such person still persists for the supply of a ballot paper he shall be liable to be arrested and prosecuted for impersonation.

(4) Any reference in this rule to the left forefinger of voter shall, where the voter has his left **forefinger** missing, be construed as a reference to any other finger of his left hand, and shall in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all the fingers of his both hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

67. Voting Procedure.—(1) The voter on entering the polling station shall first allow his left forefinger to be inspected by a Polling Officer for the purpose of ascertaining if he has any mark of indelible ink on that finger, if there is no such mark, the Polling Officer-in-charge of the poll, shall ascertain the voter's name and address and such other particulars as appear on the electoral roll and after having satisfied himself about the identity of the voter, the Presiding Officer or the Polling Officer, as the case may be, shall put indelible ink mark to his left forefinger and then he shall be supplied with a ballot paper. The Presiding Officer or the Polling Officers, as the case may be, shall before the delivery of the ballot paper to the voter enter the serial number of the voter from the marked copy of the electoral roll in the counterfoil of the ballot paper and obtain his signatures.

(2) Every ballot paper shall, before issue to voter, be stamped with such distinguishing mark on its back as the Commission may direct.

(3) Save as provided in sub-rule (1) no person in the polling station shall note down the serial number of the ballot paper(s) issued to particular voter.

(4) At any time before a ballot paper is delivered to a voter, the Presiding Officer or a Polling Officer may of his own accord, if he has reason to doubt the identity of the voter or his right to vote at the polling station or be so required by a candidate or his polling agent, put to the voter the following question, namely :-

(a) Are you the person enrolled as follows (reading the whole entry relating to the voter from the electoral roll)?

(b) Have you already voted at the present election?

(c) Such other questions as he may deem fit or necessary and the voter shall not be supplied with a ballot paper unless he answers the first question in the affirmative and the second question in the negative or he refuses to answer any other question put to him in pursuance of this rule (5) The voter on receiving the ballot paper shall forthwith-

(a) proceed to the voting compartment;

(b) make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote;

(d) if so required, show to the Presiding Officer the distinguishing mark on the ballot paper;

(e) insert the folded ballot paper into the ballot box; and

(f) quit the polling station.

(5) Every voter shall vote without undue delay.

(6) No voter shall be allowed to enter a compartment when another voter is inside it.

68. Recording of votes of blind or infirm voters.—(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, voter is unable to recognize the symbols on the ballot paper or to make mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on the ballot paper on his behalf in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and insert it into the ballot box:

Provided that no person shall be permitted to act as a companion of more than one voter at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of voter on any day under this rule, the person shall be required to declare in **Form-39** that he shall keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

(2) The Presiding Officer shall keep in **Form-40** record of all cases under this rule.

69. Spoilt and returned Ballot papers.—(1) A voter who has inadvertently dealt with his ballot paper in such a manner that it can not be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying himself of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked by the Presiding Officer as "**cancelled being Spoilt**".

(2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned shall be marked as "**Returned Cancelled**" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

70. Tendered votes.—(1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask be entitled subject to the following provisions of this rule to mark a ballot paper (hereinafter in these rules referred to as "**Tendered Ballot Papers**") in the same manner as any other voter.

(2) Every such person shall before being supplied with a Tendered Ballot Paper, put his signature against the entry relating to him in the list in **Form-41**.

(3) A Tendered Ballot Paper shall be the same as other ballot papers used at the polling, except that it shall be –

- (a) serially the last in the bundle of ballot papers issued for use at the polling station; and
- (b) endorsed on the back with words "**Tendered Ballot Papers**" by the Presiding Officer at his own and signed by him.

(4) The voter, after marking Tendered Ballot Paper in the voting compartment and folding it, shall, instead of putting it into the ballot box give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

71. Challenged votes.— (1) If a candidate or his agent declares and undertakes to prove that any person, by applying for ballot paper has committed the offence of impersonation, the Presiding Officer, may require such person to state his name and address and shall then enter such name and address in the list of Challenged Votes in **Form-42**, and shall require such person to sign such entry or, if he is unable to write, to affix, his thumb impression thereto and the Presiding Officer shall sign his name across such impression and may further require such person to produce evidence of identification:

Provided that no action shall be taken by the Presiding Officer under this sub-rule unless a sum of **Rs. 20/-** has been deposited in cash with the Presiding Officer by the candidate or such agent for each challenge he makes.

(2) If the person, so challenged, refuses to comply with such requisition he shall not be permitted **to vote** but if such person complies with the same and on being questioned in the manner provided in **rule 67** answers the first question in affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule, and if having been required to produce evidence of identification, he produces evidence, which the Presiding Officer considers satisfactory, shall be allowed to vote after he has been informed of the penalty for impersonation.

(3) If the Presiding Officer after such inquiry on the spot as he thinks necessary, is satisfied that the challenge made by the candidate or his polling agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to the State Government and his order in this respect shall be final.

(4) If the deposit made under sub-rule (1) is not forfeited under sub-rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The Presiding Officer shall in every case, whether or not the person challenged is allowed to vote make a note of the circumstances in the list of challenged votes in **Form-42**.

72. Closing of Poll.—(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf and shall not admit there to any voter after that hour :

Provided that all voters present within the polling station before it is closed shall be entitled to cast votes.

(2) Any question that may arise as to whether voter shall for the purpose of the provision of sub rule (1), be allowed to be present within the polling station before it is closed, shall be decided by the Presiding Officer, whose decision shall be final.

73. Sealing of ballot box after poll.—(1) As soon as practicable after the closing of the poll the Presiding Officer shall close the slit of the ballot box, seal it and allow any desirous polling agent to affix his own seal. The ballot box shall thereafter be sealed and secured properly.

(2) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) before another ballot box is put into use.

74. Account of ballot papers.—The Presiding Officer shall at the close of the poll prepare a ballot paper account in **Form-43** and enclose it in a separate cover with the words "**Ballot Papers Account**" subscribed thereon.

75. Sealing of other packets.— (1) The Presiding Officer shall then make into the separate packets-

- (a) the counterfoils of used ballot papers;
- (b) the marked copy of the electoral roll;
- (c) the un-used ballot papers;
- (d) the cancelled ballot papers;
- (e) the cover containing the Tendered Ballot Papers and the list in **Form-41**;
- (f) the list of challenged votes in **Form-42**;
- (g) paper seal account in **Form-34**; and
- (h) any other papers directed by the Returning Officer to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seal of the Presiding Officer and those agents present who may desire to affix their seal thereon.

76. Transmission of Ballot boxes etc. to the Returning Officer.—(1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct –

- (a) the ballot boxes as referred to in **rule 73**;
- (b) the ballot paper account as referred to in **rule 74**;
- (c) the sealed packets as referred to in **rule 75**; and
- (d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for their safe custody until the commencement of the counting of votes.

CHAPTER-VIII COUNTING OF VOTES AND DECLARATION OF RESULTS

77. Admission to the place of counting.—(1) The Returning Officer shall exclude from the place fixed for the counting of votes under **rule 33** a person, except -

- (a) such Government servants as he may appoint to assist him in the counting;
- (b) every candidate and his counting agents;
- (c) public servants on duty; and
- (d) the State Election Commissioner or any other person authorized by **the Commission**.

(2) Any person, who during the counting of votes mis-conducts or fails to obey the lawful directions of the Returning Officer may be removed from that place where the votes are being counted.

(3) The number of counting agents of candidates shall not exceed the number of counting tables, fixed for the counting of votes of the ward/Municipal Corporation plus one more for the table of the Returning Officer.

(4) Every appointment of counting agent(s) shall be made in **Form-45** in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer at the time of counting.

78. Scrutiny and opening of ballot boxes.—(1) The Returning Officer shall on the date and at the time and place fixed under **rule 33** before commencement of the counting, read out the provisions of section 22 to such persons as may be present.

(2) He shall then deal with the ballot boxes in the following manner, namely :-

- (a) all the ballot boxes used at a polling station shall be opened at the same time;
- (b) before any box is opened at the counting table the candidates or their agents shall be allowed to inspect the paper seal or other seals, as have been fixed thereon and to satisfy themselves that the same are intact;
- (c) the Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with; and
- (d) if the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers of that box and shall follow the procedure laid down in **rule 52** in respect of that polling station.

79. Scrutiny and rejection of ballot paper.—(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

(2) The Returning Officer shall reject a ballot paper.

- (a) if votes are given on it in favour of more than one candidates; or
- (b) if it bears any mark or writing by which the voter can be identified; or
- (c) if no vote is recorded thereon; or
- (d) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate, the vote has been given; or
- (e) if it is spurious ballot paper; or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (g) if it bears a different serial number, or is different from design of the Ballot paper authorized for use at the polling station; or
- (h) if it does not bear the mark which it should have borne under the provisions of **sub-rule (2) of rule 67**:

Provided that where the Returning Officer is satisfied that any such defect as is monitored in clauses (g) and (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is distinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the ballot paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each counting agent present reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot papers.

(4) The Returning Officer shall record on every ballot paper which he rejects, the letter 'R' and the ground of rejection in abbreviated form either in his own hand or by means of rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

80. Counting of votes and declaration of results.—(1) Every ballot paper, which is not rejected under **rule 79** shall be deemed to be valid and shall be counted after being sorted out candidate-wise:

Provided that no packet containing tendered ballot paper shall be opened out and no such paper shall be counted.

(2) The Returning Officer shall as far as practicable, proceed continuously with the counting and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election seals with his own seal and the seals of such candidates or election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.

(3) The ballot papers taken out of each box be mixed-up with other ballot papers taken out of other ballot boxes concerning the same office and after that shall be sorted out separately for each seat /office. The ballot papers for the councilor of the Corporation shall be retained on the same table and ballot papers for the office of Mayor and Dy.-Mayor shall be passed on without counting them to the Returning Officer for their counting at later stage. The result of councilors of Corporation shall be declared on **Form 46** after preparing the result sheet on **Form 47**. After the declaration of result of all the councilors of the Corporation, the counting for the offices of Mayor and Dy.-Mayor shall be taken and result shall be declared on **Form-48** after preparing result sheet on **Form 49**.

Provided that before declaring the result on **Forms 46 or 48**, as the case may be, and after the counting of all valid votes of polling station has been completed, the Returning Officer who have made the entries on a result sheet in **Forms 47 or 49** as applicable and announce the particulars. After such announcement has been made, a candidate or, in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer to recount the votes either wholly or in part stating the grounds on which he demands such recount. On such an application being made the Returning Officer shall decide the matter and may allow the application ;in whole or in part or may reject it into if it appears to him to be frivolous or unreasonable. Every decision of the Returning Officer on such application shall be in writing and contain the reasons therefor.

(4) Immediately after declaration of result the Returning Officer shall paste a copy of Return of election in a conspicuous place at his office and send the same to the Commission and the Secretary (Urban Development) to the Government of Himachal Pradesh, as the case may be, for publication in the Official Gazette of the State Government as required under **section 13**.

(5) All valid ballot papers shall thereafter be bundled candidate-wise together and kept alongwith the bundle of rejected ballot papers in a separate packet, which shall be sealed and on which shall be recorded the following particulars, namely :

- (a) the name of the ward/ Municipal Corporation;
- (b) the particulars of the polling station where the ballot papers have been used ; and
- (c) the date of counting.

(6) When counting of votes have been completed and the result has been declared under **rule 83** the Returning Officer shall prepare a return in **Form 43 Part-III** and forthwith paste a copy of the same in a conspicuous place in his office. The Returning Officer, after the date of election shall notify the names of elected candidates together with the name of candidate, if any, deemed to have been elected under the provisions or rule 50 and send a copy of the same to the Commission for publication in the Official Gazette of the State Government and one copy of the return prepared in **Form 44** shall be sent to the Commission, immediately, after declaration of the result.

81. Administration of oath to the elected Councilors/Mayor/Dy. Mayor.—(1) After the results of elections of Councilors/Mayor/Deputy Mayor have been declared under **rule 80**, the Director, Urban Development shall fix a date and time for making an oath or subscribing an allegiance to the Constitution of India to the elected Councilors/Mayor/Deputy Mayor of the Corporation under **sections 33 and 36** by issuing notice in writing to the newly elected Councilors/Mayor/ Deputy Mayor giving **three days** time for the first meeting, provided that such notice shall be delivered to the elected Councilors/Mayor/Deputy Mayor atleast 48 clear hours before such meeting. This meeting shall be held at the office of the Corporation,

(2) **On the date and time fixed under sub-rule (1) the Director, Urban Development shall call each elected Councilors/Mayor/Dy. Mayor to make an oath or subscribe anaffirmation of allegiance of the Constitution of India.**

82. Commencement of counting after fresh poll.— (1) If a fresh poll is held under **rule 52**, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and time and place which has been fixed by **the Commission** in that behalf and of which notice, has previously been given to the candidates and their agents.

- (2) The provisions of **rules 79 and 80** shall apply to such further counting.

83. Procedure in case of tie.—If after the counting of votes, tie is found to exist between any two candidates, and the addition of one vote entitles any of those candidates to be declared elected that shall forthwith be decided between those candidates by lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected.

84. Custody of papers relating to elections.—The Returning Officer shall retain the packets of the counter foils of used ballot papers, the packets of unused ballot papers, the packets of used ballot papers valid, tendered or rejected and all other papers relating to the elections in safe custody either in his own office or at such other place as he may specify in writing until the expiry of **three months** from the date of publication of the result of election.

85. Production and inspection of election papers.—(1) While in the custody of the Returning Officer

- (a) the packets of counterfoils of used ballot papers;
- (b) the packets of unused ballot papers;

- (c) the packets of used ballot papers; and
- (d) the packets of marked copies of the electoral roll shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the orders of the competent court or of the officer authorized under **section 14**.

(2) All other papers relating to the election shall be opened to public inspection and any person may apply for such an inspection or supply of certified copies thereof on payment of a fee at the same rate as is charged in Himachal Pradesh for the inspection of documents forming part of a record of a dealt with by a Revenue Officer, or for supply of a copy of an order by Revenue Officer, as the case be, and such copies shall be supplied in accordance with the procedure to be followed for a similar application in respect of case dealt with by a Revenue Officer.

86. Disposal of election papers.—Subject to any direction to the contrary given by the State Government or by the Commission or by a competent court or by an authorized Officer under section 14, the packets and other papers referred to in **rules 68,69,75,84 and 85 shall be retained for a period of 90 days from the date of publication of results in the Official Gazette and shall thereafter be destroyed**”.

Provided that if an election petition is pending, the packets and other papers referred to in this rule shall not be disposed of unless the petition is finally decided.

87. Casual vacancies in the Corporation.—When a vacancy occurs among the Mayor/Deputy Mayor/Councilors of a Corporation by death, resignation or removal of any Mayor/Deputy Mayor/Councilors and a new /Mayor/Deputy Mayor/Councilors shall be elected in his place in accordance with the provisions of sub-section (1) of **section 12**, and such election shall be conducted in the manner as specified in these rules for a general election and the programme of the election shall be framed as soon as may be convenient after occurrence of the vacancy.

88. Interpretation of rules.—If any question arises regarding the interpretation of these rules, otherwise than in connection with an election petition, which has actually been presented, shall be referred to the Commission, whose decision thereon shall be final.

CHAPTER-IX

ELECTION PETITIONS AND APPEALS

89. Presentation of petition.—(1) The election petition under section 14 shall be presented to the Divisional Commissioner, under whose territorial jurisdiction the Corporation is situated.

(2) The petitioner shall enclose with the petition copies of the petition and its enclosures equal to the number of respondents.

(3) The affidavit referred to in the proviso to **sub-section (1) of section 14** shall be in **Form-50** and shall be sworn in before a Magistrate.

90. Security deposit to be made with the petition.—At the time of presentation of an election petition, the petitioner shall deposit a sum of **Rs. 3000/- (three thousand Rupees)** as security money in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of Authorized Officer to whom the petition is presented or caused to be presented.

91. Withdrawal of petitions.—(1) An election petition may be withdrawn by the petitioner only after the permission of the Divisional Commissioner to whom the petition is presented or transferred, as the case may be.

(2) When an application for withdrawal is made, a notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition.

(3) No application for withdrawal shall be allowed, if, in the opinion of the Divisional Commissioner to whom the petition is presented or to whom such petition is transferred, as the case may be, such an application has been induced by bargain or consideration.

(4) If the application for withdrawal is allowed, the Divisional Commissioner to whom the petition is presented or to whom such petition is transferred, as the case may be, shall pass an order with regard to **refund or forfeiture of** security deposit in accordance with the provisions laid down under **section 19**:

Provided that where the application of withdrawal is allowed by the Divisional Commissioner, a copy of the order shall be sent to the Director, Urban Development, Himachal Pradesh.

92. Place and Procedure of enquiry.—(1) The place of enquiry shall be headquarters of the Divisional Commissioner concerned to whom the petition is made or transferred:

Provided that the Divisional Commissioner to whom the petition is made or transferred, as the case may be, may on being satisfied that Special circumstances exist rendering it desirable that the enquiry should be held elsewhere, fix some other convenient place for this purpose.

(2) The public shall have free access to the place where enquiry into the election petition may be held.

(3) Notice of the time and place of enquiry shall be given to the parties not less than seven days before the first date of hearing.

93. Communication of orders on petition.—The Divisional Commissioner to whom the election petition is made or transferred, as the case may be, shall after conclusion of the election petition, send a copy of the order to the Commission and to the Director, Urban Development, Himachal Pradesh as soon as possible.

94. Procedure in presentation of appeal.—(1) Any person aggrieved by an order made by the Divisional Commissioner under **section 18** may within a period of thirty days make an appeal to the Financial Commissioner (Appeal) Government of Himachal Pradesh under **sub-section (3) of section 20**:

Provided that the appellate authority may entertain the appeal after the expiry of said period of **thirty days**, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) In computing the period of limitation for filing an appeal under the Act, the period spent in obtaining a copy of the order shall be excluded.

(3) Every appeal preferred, under sub-rule (1), shall be presented in the form of a memorandum by the appellant or his duly authorized agent and shall be accompanied by a Treasury

Challan evidencing the deposit of a sum of **Rs.3000/-** as fee in the Government Treasury or Sub-Treasury under the appropriate head of account in the name of appellate authority to whom the appeal is presented. The memorandum shall set-forth concisely the grounds of objections to the order appealed from and shall be accompanied by a copy of such order.

(4) On receipt of an appeal under sub-rule (1) the appellate authority may, after calling for record from the Divisional Commissioner, against whose decision the appeal has been preferred and giving opportunity, to the parties of being heard and after making such further enquiry, if any, as may be necessary pass such orders as it thinks fit and the order of the appellate authority shall be final.

(5) A copy of the order passed in appeal shall be sent to the Commission and to the State Government.

95. Abatement of appeal.—If before the decision of the appeal, the appellant or respondent dies, the appeal shall abate, the appellate authority shall cause notice of such event sent to the State Government.

CHAPTER-X

MISCELLANEOUS

96. Penalty for disobedience of certain orders and for contravention of rules.—If any person, who is on deputation with the Commission under section 9-E or any public servant put on duty in connection with delimitation of wards, preparation of electoral rolls and conduct of elections under the Act disobeys any orders issued by an officer appointed under the Act or contravenes the provisions of these rules shall be punishable under the Central Civil Services (Conduct Rules), 1964 or in accordance with the relevant law and practice for time being in force for such purpose.

97. Repeal and savings- (1) The Himachal Pradesh Municipal Corporation Elections Rules, 1996, Himachal Pradesh Municipal Corporation (Delimitation and Reservation of wards) Rules, 1995 and the Himachal Pradesh Municipal Corporation (Reservation and Elections to the office of the Mayor and Deputy Mayor) Rules, 1996, are hereby repealed, provided that;

- (a) such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder; and
- (b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules.

(2) Nothing in these rules shall operate to deprive any person, to whom these rules apply, of any right of appeal which has accrued to him under the rules, notifications or orders repealed under sub-rule (1) in of any order passed before the commencement of these rules.

(3) A petition pending at or preferred after the commencement of these rules against an order made before such a commencement shall be considered and order thereon shall be passed in accordance with rules.

Form-1
(See rule 6)

Notice of publication of the proposals for dividing the Municipal Corporation into wards and defining the limits of each ward.

Notice is hereby given that the proposals for dividing _____ Municipal Corporation into wards and defining the limits of each such ward shall be available for inspection in the office of the undersigned and the office of the Municipal Corporation _____ during the office hours for the next 10 days.

If any resident has any objections to make with regard to aforesaid proposal against anything contained in it he can send the same to the undersigned in Form-2 within ten days from the date of publication of this notice and objections or suggestions so received shall be inquired into before finalizing the proposal.

Deputy Commissioner.

Place _____
Date _____

Form-2
(See rule 7)

To

The Deputy Commissioner,

Subject:- Objection to the draft delimitation of Wards.

Sir,

Please refer to the draft delimitation proposals of wards published on _____ in respect of _____ Municipal Corporation area.

That I am a resident of ward No. _____ of _____ Municipal Corporation area.

That I have the following objections to these draft proposals:-

- (1)
- (2)
- (3)
- (4)

Yours faithfully,

**Signature, full name &
address.**

Place:

Form-3**(See rule 17)****NOTICE OF PUBLICATION OF ELECTORAL ROLL****To**

The voters of ward No. _____ Municipal Corporation (ward) of
_____ District, Himachal; Pradesh.

Notice is hereby given that the electoral roll has been prepared in accordance with the Himachal Pradesh Municipal Corporation Election Rules, 2012 and copy thereof is available during office hours for inspection at my office and in the office of the Municipal Corporation and at the office of the Tehsildar.

If there be any claim for the inclusion of a name in the electoral roll or any objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged in or before (date) in Form 4, 5, and 6 as may be appropriate.

Every such claim or objection should be addressed to the _____
(full address) Revising Authority and should either be presented in person or through agent or sent by the registered post so to reach him not later than the aforesaid date.

Electoral Registration Officer,
(Municipal Corporation)

Place:
date:

Form-4**(See rules 20 (1) and 27)****CLAIM APPLICATION FOR INCLUSION OF NAME****To**

**The Revising Authority/Electoral Registration Officer,
(Municipal Corporation).**

Sir,

I request that my name be included in the electoral roll for the _____ ward relating to _____ Municipal Corporation.

Name (in full) _____

Father's/ Mother's/ Husband's Name _____

Particulars of place of residence are:

House No. _____ Street/Mohalla Village _____ Post
office _____ Tehsil.....District.....

I hereby declare that to the best of my knowledge and belief that -

- (i) I am a citizen of India.
- (ii) My age on i.e. date notified by the State Election Commission under clause (e) of rule 16 (1) was _____ years _____ months.

- (iii) I am an ordinary resident at the address given above.
- (iv) I have not applied for the inclusion of my name in the electoral roll for any other word of the Corporation.
- (v) My name has not been included in the electoral roll for any ward of the above mentioned Municipal Corporation or municipality constituted under the H.P. Municipal Act, 1994 or Gram Sabha constituted under the H.P. Panchayati Raj Act, 1994, as the case may be. **OR**

That my name has been included in the electoral roll for the _____ ward under the address mentioned below and I request that the same may be excluded from the electoral roll.

Signature/thumb-impression of claimant.
(full postal address).

I further declare that the facts submitted by me herein above are true and I also know that any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

Signature/thumb-impression of claimant.

Place:

Date:

I am a voter included in the electoral roll of the same part in which the claimant has applied for inclusion viz. part No.....; relating to..... my serial No. therein is I support this claim and countersign it.

**Signature/thumb-impression of elector
supporting claim.**
(full postal address).
.....

Form-5

(See rule-20(1))

OBEJECTION TO INCLUSION OF NAME

To

The Revising Authority,
_____ward.

Sir,

I object the inclusion of the name ofat serial No. in the electoral rollward relating to..... Municipal Corporation for the following reasons:

.....
.....
.....

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief and that my name has been included in the electoral roll for this ward as follows:-

Name.....(in full)
 Father/Mother/Husband's name.....
 Serial No.....
 No. and name of the ward.....relating
 to.....Municipal Corporation.

Signature/thumb-impression of objector.
 (full postal address).

I am a voter included in the same electoral roll in which the name objected stand appears, viz. No. and name of the ward relating to Municipal Corporation. My Sr. No. there in is I support this objection and countersign it.

Counter Signature/thumb-impression of the elector
 supporting objection.
 (full postal address).

Note:- Any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true shall be punishable in accordance with the law in force.

Form-6
 (See rule 20 (1) and 25)
OBEJECTION TO PARTICULAR IN ANY ENTRY

To

The Revising Authority/Electoral Registration Officer,
 _____ward.
Municipal Corporation_____.

Sir,

I submit that the entry relating to myself which appears at Sr. No. in the roll ward relating toMunicipal Corporation as is incorrect. It should be corrected to read as follows:-

.....

Signature/thumb-impression of claimant.
 (full postal address).

Place:
 Date

Form-7

(See rules 20 (4),(5) and rule 22)

REGISTER OF CLAIM FOR INCLUSION OF NAME

.....Municipal Corporation.....ward

Sr. No .	Name of claimant	Father's name and address	Date of presentation of claim	Date of decision with note in the presence of the parties	Decision		Signature of revising authority	Signature of official by whom effect was given to the revising authority and date
					Admitted	Rejected		
1	2	3	4	5	6	7	8	9

Form-8

(See rules 20 (4) and (5) and rule 22

REGISTER OF OBJECTION TO INCLUSION OF NAMES

.....Municipal Corporation.....ward

Sr. No.	Person objection to		Father/husband's name and address of the objector	Sr. No. of the objector in the roll	Date of presentation of objection.
	Under name of	With Sr. No. in the roll			
1	2	3	4	5	6

Dated of decision with note as to presence of parties	Decision		Signature of revising authority	Signature of official by whom effect was given to the decision of revision authority and date
	Admitted	Rejected		
7	8	9	10	11

FORM-9
(See rules 20 (4) and (5) and rule 22)
REGISTER OF OBJECTION TO THE PARTICULARS IN AN ENTRY

.....Municipal Corporation.....ward

Sr. No.	Name of the objector	Date of presentation of objection	Particular as existed in the roll	Correct particulars as requested by objector
1	2	3	4	5

Decision		Signature of the revising authority	Signature of official by whom effect was given to the decision of revision authority and date
Admitted	Rejected		
6	7	8	9

FORM-10
[(See rules 21 (1))]
LIST OF CLAIMS
.....Municipal Corporation.....ward

Date of receipt	Sr. No.	Name of claimant	Name of Father/husband/mother	Address	Date, time & place of hearing
1	2	3	4	5	6

Signature of Revising Authority

FORM-11
(See rules 21 (1))
LIST OF OBJECTIONS TO INCLUSION OF NAMES

.....Municipal Corporation.....ward

Date of receipt	Sr. No.	Full name of objector	Particulars of name objected to		Objection in brief	Date, time and place of hearing
			Sr. No. entry	Name in full		
1	2	3	4	5	6	7

Signature of Revising Authority

FORM-12

[(See rules 21 (1)]

LIST OF OBJECTION TO PARTICULARS IN ENTRIES

.....Municipal Corporation.....ward

Date of receipt	Sr. No.	Full name of objector	Part No. and Sr. No. of entry	Nature of objection	Date, time and place of hearing
1	2	3	4	5	6

Signature of Revising Authority

FORM-13.

(See rule 21(2))

NOTICE OF HEARING OF CLAIM**To**

.....

(Full name and address of claimant)

Reference No.....

Your claim for the inclusion of your name in the electoral roll will be heard at.....(Place)at.....O'clock on the.....day of.....201 .

You are requested to present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:

Date:

Signature of Revising Authority

Ward

FORM-14

[(See rule 21(2))]

NOTICE OF HEARING OF OBJECTION**To**

.....

(Full name and address of /objector)

Reference/objection No.....

Your objection to the inclusion of the name of.....will be heard at.....(Place)at.....O'clock..... on the.....day of.....201.

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:

Date:

Signature of Revising Authority

Ward.....

FORM-15

[(See rule 21(3)]

NOTICE OF HEARING OF OBJECTION

To

.....
.....
.....

(Full name and address of person against whom objection is received)

Reference objection No.....

The objection into the inclusion of your name at the Serial No.....in the electoral roll forWard relating to.....Municipal Corporation filed by.....(Full name and address of objector)will be heard at.....(Place) at.....of.....day of.....200

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

The grounds of objection(in brief) are:-

(a)

(b)

(c)

Place:

Date:

Signature of Revising Authority

Ward.....

FORM-16.

(See rule 21(2))

NOTICE OF HEARING OF AN OBJECTION TO PARTICULARS IN THE ELECTORAL ROLL

To

.....
.....
.....

(Full name and address of objector)

Reference/objection No.....

Your objection to certain particulars in the entry relating to you will be heard at.....(Place) at.....O'clock on theday of.....20 .

You are directed to be present personally or through your authorized agent at the hearing with such evidence as you may like to adduce.

Place:

Date:

Signature of Revising Authority

Ward.....

FORM-17

(See rule 23(1))

NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL

It is hereby notified for public information that electoral roll for ward No.....(Ward) of Municipal Corporation.....has been prepared in accordance with the Himachal Pradesh Municipal Corporation Election Rules, 2012 and a copy of the said electoral roll is hereby published finally.

Date:

Place:

**Electoral Registration Officer
(Municipal Corporation)**

FORM-18.

(See rule 25).

APPLICATION FOR DELETION OF ENTRY IN ELECTORAL ROLL

To

The Electoral Registration Officer,

.....

Sir,

I submit that the entry at Serial No.....in the electoral roll for.....ward relating to Shri./Smt.....son/daughter of Shri/Smt.....requires to be deleted as the said person is not entitled to be registered in the electoral roll for the following reasons:-

.....
.....

I hereby declare that the facts submitted by me hereinabove are true to the best of my knowledge and belief and I also know that any person who makes a statement of declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

I declare that I am a voter of this ward being enrolled at Serial No.....

Place:

Date:

Signature/thumb impression of applicant
(Full postal address).

FORM-19.

(See rule 34)

NOTICE OF ELECTION PROGRAMME

Notice is hereby given that -

1. An election is to be held for electing a—
*Councilor from.....ward(S) of Municipal Corporation.
*Mayor/Deputy Mayor of.....ward(s) of Municipal Corporation.
2. Nomination paper may be delivered by a candidate or his proposer to the(Authority) at between 11 A.M. and 3 P.M. from.....to.....(dates).
3. Forms of nomination papers may be obtained at the place and time aforesaid.
4. The nomination papers will be taken up for scrutiny at.....
5. Notice of withdrawal of candidature may be delivered by a candidate or his proposer to the authority specified in paragraph (2) above at his office before 3. P.M. on the.....
6. The symbols to the contesting candidates shall be allotted on.....(dated) after the time of withdrawal is over and list of contesting candidates shall be prepared in **Form-25**.....at.....P.M. 7. In the event of the election being contested the poll will be taken on.....between the hours of.....and

Returning Officer.

FORM-20

(See rule 37)

NOMINATION PAPER

Election to the Councillor from ward No. and Name..... of Municipal Corporation, Shimla.

Election to the office of the Mayor/Deputy Mayor of Municipal Corporation, Shimla.

I hereby nominate
Sh./Smt.....
.....(Candidate's/father Name with complete address) as a candidate for above election. His name is entered at the serial No.....of electoral roll of polling station No.....of ward No.....of Municipal Corporation.....My name is entered at Serial No.....of electoral roll of polling station.....of ward No..... of Municipal Corporation.....

Date:

Signature of proposer.
full name & address of proposer

(to be filled by the candidate).

I.....the above mentioned candidate assent to this nomination and hereby declare:-

- (a) That I have completed.....years of age; and
- (b) That I have not been disqualified for contesting of election(s) under any law in force.
- (c) That I am set up in this election by theparty.

Dated:

Signature of candidate.

Note:-

(Further declaration to be made by a Scheduled Caste or Scheduled Tribe candidate or other Backward Classes candidate).

I hereby declare that I am a member of thecaste/tribe / other Backward Classes which has been declared to be Scheduled Caste or Tribe or other Backward Classes in Himachal Pradesh.

Dated.....

Signature of candidate.

Verification by Executive Magistrate

The above declaration is solemnly affirmed before me by.....who is personally known to me/who has been identified to my satisfaction by.....

Date:

Place:

Signature with seal.

(Decision of Returning Officer regarding accepting or rejection the nomination paper).

(To be filled by the Returning Officer).

I have examined this nomination paper in accordance with rule 41 of the Himachal Pradesh Municipal Corporation Election Rules, 2012 and decided as follow:-

Date:

Place

Returning Officer.

The symbol assigned to the candidate is.....

Date:

Place

Returning Officer.

Receipt of Nomination Paper

(To be filled in by the Returning Officer or specified authority)

Serial No. of nomination paper.....

This nomination paper was delivered to me at my office on.....(date).....at.....(hours).....and shall be taken up for scrutiny on at.....(place)of(hours).....

Place:**Date:****Returning Officer/Specified Authority.**

Important Note:- (i) Returning Officer will examine that alongwith Form-20 (nomination paper), each candidate is supplied with a copy of Annexure-I prescribed by the State Election Commission under the HP Panchayat and Municipalities Elections (Disclosure) specified information by the candidates) Regulation, 2004.

(ii) It is compulsory for every contesting candidate to submit alongwith nomination papers, the aforesaid Annexure-I in affidavit form duly attested by a Magistrate or a Notary Public or an Oath Commissioner.

(iii) The candidate will also to extra attested photocopy of the said Annexure alongwith original Affidavit to Returning Officer.

Form-21**(See Rule-39)****NOTICE OF NOMINATION**

Election to:-

Councillor from ward No..... of Municipal Corporation.
Mayor/Deputy Mayor of Municipal Corporation.....

Notice is hereby given that the following nominations in respect of the above election have been received upto 3 P.M. today.....

S.No. of Nominati on paper	Name of Candi date	Name of father/ husband	Age of candidate	Address	Particulars of caste/tribe/ OBC of candidate belonging to Sch. Caste/Tribe/ OBC	S.No.of candidate in the electoral roll	Name of proposer	S.No.of propose r in the electoral roll.
1	2	3	4	5	6	7	8	9

Place:

Date:

Returning Officer or Specified Authority.

FORM-22.

[(See rule-40 (7)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to:-

Councillor from ward No..... of Municipal Corporation.

Mayor/Deputy Mayor of Municipal Corporation.....

Sl.No.	Name of candidate	Name of father/husband	Address of candidate
1	2	3	4

Place:

Date:

Returning Officer.

Form 23

[See Rule-41(1)]

NOTICE OF WITHDRAWAL

Election to:

Councillor from.....ward of Municipal Corporation.

Mayor/Deputy Mayor.....ward of Municipal Corporation.

To

The Returning Officer,

.....
.....

I,.....a candidate nominated at the above election do hereby give notice that I withdraw my candidature.

Place:

Date:

Signature of candidate.

This notice was delivered to me at my office at.....(hours)on
.....(date) by.....(Name).

Returning Officer or specified authority.

RECEIPT FOR NOTICE OF WITHDRAWAL

(To be handed over to the person delivering the notice).

The notice of withdrawal of candidature by.....a candidate at the election to-
Councillor from ward No..... of Municipal Corporation.....Mayor/Deputy Mayor of
Municipal Corporation.....was delivered to me by the *

Candidate.....at.....my office at.....(hours)
on.....(date).

Returning Officer or
Date..... specified authority.

FORM 24
[See rule 41(2)]
NOTICE OF WITHDRAWAL

Election to-

Councillor ward No.....of Municipal Corporation.....
Mayor/Deputy Mayor of Municipal Corporation.....

Notice is hereby given that the following candidate(s) at the above election withdrawn his/their candidature(s) today:-

Sr. No.	Name of candidate	Address of candidate	Remarks
1	2	3	4
1.			
2.			
3.			
4.			
5. etc.			

Place:

Returning Officer or Specified authority.

FORM-25
(See rule-42)
LIST OF CONTESTING CANDIDATES

Election to-

Councillor ward No..... of Municipal Corporation.
Mayor/Deputy Mayor of Municipal Corporation.....

Sr. No.	Name of candidate	Address of candidate	Symbol Allotted
1	2	3	4

Date:

Place:

Returning Officer.

FORM 26**(See rule 45)****FORM OF APPOINTMENT OF ELECTION AGENT**

I.....a candidate for election of -
 Councillor from ward No..... of Municipal Corporation.
 Mayor/Deputy Mayor of Municipal Corporation.....

to be held on.....hereby appoint
 Shri/Smt.....S/D/O.....R/O.....as my election agent from this date upto the conclusion of
 the above election.

Date:

Signature of Candidate.

Place:

I accept the above appointment.

Dated:

Agent:

Place:

Signature of Election Agent.

I hereby declare that at the above election I will not do any thing forbidden by the
 Himachal Pradesh Municipal Corporation Act, 1994 and the rules made thereunder, which I have
 read/has been read over to me.

Signature of Election Agent

Approved.

Dated:

Place:

Signature of Returning Officer.

FORM 27**[See rule 46(2)]****APPOINTMENT OF POLLING AGENT**

Councillor ward No..... of Municipal Corporation.
 Mayor/Deputy Mayor ofward of Municipal Corporation.

Ia candidate at the above election do hereby appoint
 Sh.....S/o Sh/D/o/R/o.....as polling agent to attend polling station
 No.....Place fixed for the Poll.....at.....

Place:

Date:

Signature of candidate.

I agree to act as such polling agent.

Signature of Polling Agent.

(Declaration of polling agent to be signed before Presiding Officer)

I hereby declare that at the above election I will not do any thing forbidden by the Himachal Pradesh Municipal Corporation Act, 1994 or Rule made there under which I have read/has been read over to me.

Place:

Date:

Signature of Polling Agent.**Signed before me.**

Place:

Date:

Presiding Officer.**FORM-28**

(See rule 48(2))

**REGISTER FOR MAINTENANCE OF DAY-TO-DAY ACCOUNT OF ELECTION
EXPENDITURE BY CONTESTING CANDIDATES FOR ELECTION TO WARD/
MUNICIPAL CORPORATION**

1. Name of candidate.....
2. *Ward/Municipal Corporation from which contested.....
3. Seat for which contested.....
4. Date of filing nomination.....
5. Date of declaration of result.....

Date of Expdt.	Nature of Expdt.	Amount of Expdt.		Date of payment	Name and address of payee.	No of Vouchers in case of amount paid.	No. of bills in case of amount outstanding.	Name and address of the person to whom the amount outstanding is payable.	Remarks
		paid	Outstan- ding						
1	2	3	4	5	6	7	8	9	10

Certified that this is true copy of the account kept by me/my election agent.

Signature of contesting candidate.**FORM -29**

(See rule 48(5))

**DETAIL OF ELECTION EXPENSES BY CONTESTING CANDIDATES FOR ELECTION
TO WARD/MUNICIPAL CORPORATION**

Name of contesting candidate.....

Name of ward/Municipal Corporation.....

Item of Expenditure	Sources from here money procured	Amount of Expenditure	Date(s) of payment	Mode of payment	Evidence of payment enclosed with the account	Remarks
1	2	3	4	5	6	7

1. Expenditure on security deposit.
2. Expenditure on purchase of copies of electoral rolls.
3. Expenditure on printing of manifesto, and expenditure On printing of posters and hand bills etc.
4. Expenditure on pasting of posters.
5. Expenditure on writing of wall writing and on publication of advertisements.
6. Hiring charges of places for public meeting and hiring charges of pandals etc. for public meetings.
7. Hiring charges of loudspeakers for public meeting.
8. Hiring charges on vehicle and Petrol, Oil and Lubrication(POL) used by the candidate.
9. Hiring charges and Petrol, Oil and Lubrication(POL) on vehicle used by election agent/polling agent.
10. Misc. Expenditure(other than those listed above).

Signature of contesting candidate.

FORM-30.
[See rule 48(11)]

PROFORMA FOR THE SUBMISSION OF ELECTION EXPENDITURE BY ONTESTING CANDIDATES FOR ELECTION TO WARD/MUNICIPAL COPORATION

1. Name of candidate.....
2. *Ward/Municipal Corporation.....
3. Seat for which contesting
4. Date of filing nomination.....
5. Date of declaration of result.....

Date of Expdt.	Nature of Expdt.	Amount of Expdt.		Date of payment	Name and address of payee.	No of Vouchers in case of amount paid.	No. of bills in case of amount outstanding.	Name and address of the person to whom the amount outstanding is payable.	Remarks
		paid	Outstan- ding						
1	2	3	4	5	6	7	8	9	10

Certified that this is true copy of the amount kept by me/my election agent.

Signature of contesting candidate.

FORM-31
[See rule 48(11)]
AFFIDAVIT

I..... son/wife/daughter ofaged..... years.....resident ofdo hereby solemnly and sincerely state and declare as under:-

1. That I was contesting candidate at the general election/bye-election to the ward No...../Municipal Corporationthe result of which was declared on.....
2. That I/my election agent kept a correct account of all expenditure in connection with the above election incurred authorized by me or by my election agent between.....(the date on which I was nominated) and upto the date a day after the declaration of the result thereof, both day inclusive.
3. That the said account was maintained in Forms 28 to 30 appended to the Himachal Pradesh Municipal Corporation Election Rules, 2012 and a true copy thereof is annexed hereto with the supporting vouchers/bills mentioned in the said account.
4. That the account of my election expenditure as annexed hereto included all items of election expenditure incurred or authorized by me or by my election agent and nothing has been concealed or withheld/suppressed therefrom.
5. That the statements in the foregoing paragraphs 1 to 4 are true to my personal knowledge, that nothing is false and nothing material has been concealed.

Deponent,
Solemnly affirmed/sworn
by.....at.....this day of 20.....before me.

FORM-32
(See rule 48(12))

ACKNOWLEDGEMENT

The detailed account of the election expenses on prescribed proforma in respect of Shri.....(Candidate)from.....ward/Municipal Corporation result of which was declared on.....(Date) filed by him on.....(Dated) has been received by me today the(Date) of(Month).....(Year).

Returning Officer.

FORM-33
(See rule 50)

FOR USE IN ELECTION WHEN SEAT IS UNCONTESTED

Election to:

Councillor ward No..... of Municipal Corporation.....

Mayor/ Deputy Mayor.....Municipal Corporation.....

In pursuance of the provision contained in rule 50 of the Himachal Pradesh Municipal Corporation Election Rules, 2012, I declare that -

Name.....

Address.....

Has been duly elected as Councillor/ Mayor/ Deputy Mayor from the above ward/Municipal Corporation.

Place:

Date:

Signature of Returning Officer.

FORM 34
[See rule 56(2) and 75]

PART-I
RECORD OF PAPER SEAL USED

Election to Municipal Corporation.....From.....ward.

Number and name of polling station.....

Serial No. of ballot box used	Serial No. of paper seal used.	Remarks
1	2	3

Signature of polling agent.

PART-II
ACCOUNT OF PAPER SEAL

- | | | |
|----|--|---------|
| 1. | Serial No. of Paper seal supplied | 1 |
| | to.....total..... | |
| 2. | No. of Paper seal used..... | 2. |
| 3. | No. of unused paper seals..... | 3. |
| | to.....total..... | |
| 4. | serial No. of damaged seals, if any..... | 4. |
| | to.....total..... | |

Place:

Date:

Signature of Presiding Officer.

FORM 35
[See rule 58(1)]
BALLOT PAPER

Election of Councillor from Ward No(with name) of Municipal Corporation.....
Election of Mayor/Deputy Mayor.....Municipal Corporation.....

*Ward/Municipal Corporation.....
Serial Number of Voter.....
Number.....

Signature/thumb impression.

No. and Name of *Ward/Municipal Corporation.....

Name of Candidate	Symbol
1	2

FORM 36
[See rule 64(1)]
APPLICATION FOR ELECTION DUTY CERTIFICATE

To

The Returning Officer for.....
Ward No.....Municipal Corporation ,.....

Sir,

I intend to cast my vote in person at the ensuing election to.....Councillor
from Ward No.....of Municipal Corporation.....

I have been posted on election duty within the ward at(no & name of
polling station).....but my name is entered at Serial No.....Part
No.....of the Electoral Roll for.....Ward comprised within Municipal Corporation.

I request that an **Election Duty Certificate** (Form -38) may be issued to enable me to vote
at the polling station where I may be on duty on the polling day.

It may be sent to me at the following address:-

Name.....
Address.....
.....

Date
Place:

Yours faithfully,
().

FORM-37**[See rule 64(2)]****LETTER OF INTIMATION TO RETURNING OFFICER**

To

The Returning Officer
Ward No (with name)Municipal Corporation.

Sir

I intend to cast my vote by post at the ensuring election to;-

Mayor /Deputy Mayor / Councillor from.....(Ward) of Municipal Corporation.....

My name is entered at Sr. No.....in part No.....of the Electoral Roll for
Ward No.....Municipal Corporation.

All the three ballot paper may be sent to me at the following address:-

Name.....
Address.....
.....

Yours faithfully,

Date:

Place:

()

FORM 38**[See rules 64(2) and 65(1)]****ELECTION DUTY CERTIFICATE**

Certified that.....is an elector in ward No..... of *Municipal Corporation
.....His electoral roll number being.....by reason of his being on election
duty, he is unable to vote at the polling station where he is entitled to vote and that he is, therefore,
hereby authorized to vote at any polling station in the said ward(s) where he may be on duty on the
day of poll.

Place:

Date:

Signature of Returning Officer.

SEAL**FORM-39****(See rule 68)****DECLARATION BY THE COMPANION OF BLIND OR INFIRM VOTER**

*Election of Councillor from Ward No.....Ward of Municipal Corporation.

*Election of Mayor/Deputy Mayor.....Municipal Corporation.

I(No. and name of Polling Station.....) son
of.....aged.....resident of (Full Address).....
.....hereby declare that -

- (a) I have not acted as companion of any other voter at this or any other polling station today, the.....day of 20..... and
(b) I will not disclose the secrecy of the vote recorded by me on behalf of.....

Name of voter and his serial,
No. in the electoral roll to be given

Place:

Date:

Signature of companion.

FORM 40

[See rule 68(2)]

LIST OF BLIND AND INFIRM VOTERS

*Election of Councillor from Ward No.....Ward of Municipal Corporation.
Mayor/Deputy Mayor Municipal Corporation.....

Number and name of polling station.....

Sl. No. of Voter	Full Name of Voter	Full Name of companion	Address of companion	Signature of companion

Dated:

Signature of Presiding Officer.

FORM 41

[See rules 70(2) and 75)]

LIST OF TENDERED VOTER

*Election of Councillor from Ward No..... of Municipal Corporation.
Election of Mayor/Deputy Mayor.....Municipal Corporation.

No. and name of Polling station.....

S.No.	Name of Voter	Address of Voter	S.No of tendered Ballot Paper	S.No. of Ballot paper issued to the person who has already voted	Signature or thumb impression of person tendering vote
1	2	3	4	5	6

Place:

Dated:

Signature of Presiding Officer.

FORM 42
[See rules 71(1) and 75]
LIST OF CHALLENGED VOTES

*Election of Councillor from Ward No..... of Municipal Corporation.
 Election of Mayor/Deputy Mayor.....Municipal Corporation.

No. and name of Polling station.....

S.No. of voter	Name and address	Signature or thumb impression of voter	Name of identifier, if any	Order of Presiding Officer in each case

Place:

Dated:

Signature of Presiding Officer.

FORM -43
 (See rule 74)
BALLOT PAPER ACCOUNT

Election of Councillor from Ward No.....ward of Municipal Corporation.
 Election of Mayor/Deputy Mayor Municipal Corporation.....
 Number and name of polling station.....

PART-I

		Serial No.	Total No.
(i)	Ballot papers received		
(ii)	Ballot papers not used		
(iii)	Ballot papers issued to voters		
(iv)	Ballot papers cancelled		
(v)	Ballot papers used for tendered votes		

Dated:

Place

Signature of Presiding Officer.

PART-II
RESULT OF COUNTING

Sr. No.	Name Candidate	No. of valid votes polled
1		
2		
3		
4		
etc		

	Total number valid votes polled	
	Rejected Ballot Paper	
Total No. of ballot papers in the ballot box(s)		
Difference, if any		

Signature of Counting Supervisor

Signature of Returning Officer

Date:

FORM-44
RETURN OF ELECTION
[See rule 80 (6)]

Election to the Municipal Corporation..... from Ward No.....

Sr. No.	Name Candidate	No. of valid votes polled
1		
2		
3		
4		
5		

Total number of votes polled

Total number of valid votes polled

Total number of rejected votes.

I declare that(name & address)..... has been duly elected to fill the seat in Municipal Corporation..... Ward No.....

Place:

Date:

Signature of Returning Officer

FORM 45
[See rule 77(4)]
PART-I
APPOINTMENT OF COUNTING AGENTS

Election of Councillor from ward No..... of Municipal Corporation.....

Election of Mayor/Deputy Mayor Municipal Corporation.....

I,a candidate/of Shri/Smt.....who is a candidate at the above election do hereby appoints Shri/Smt.....address.....as a counting agent to attend the counting of votes at.....

Date:

Place:

Signature of Candidate.

I agree to act as such counting agent.

Signature of counting agent.

Date:

Place:

Declaration of counting agent to be signed before the Returning Officer.

I hereby declare that at the above Corporation election I shall not do anything forbidden by section 22 and any other relevant sections of the Himachal Pradesh Municipal Corporation Act, 1994 and rules made thereunder, which I have read/has been read over to me.

Place:

Date:

Signature of Counting Agent.

Signed before me.

Place:

Date:

Returning Officer.

FORM 46

[See rule 80(3)]

RETURN OF ELECTION OF COUNCILORS

Election of Councillor ward No..... of Municipal Corporation.

Election of Mayor/Deputy Mayor.....Municipal Corporation.....

Sr. No.	Name Candidate	No. of valid votes polled
1		
2		
3		
4		
5		
etc.		

- (a) Total of valid votes polled.....
 (b) Total No. of rejected votes.....
 (c) Total No. of votes polled.....

I, declared that—

Name.....

Address.....

.....

Has been duly elected as Mayor/Deputy Mayor/ Councilor from the above ward No.....of Municipal Corporation.....

Place:

Date:

Signature of Returning Officer.

FORM-47
[See rule-80(3)]
RESULT SHEET OF THE ELECTION OF COUNCILORS

Election of Councillor from ward No. of Municipal Corporation.....

Sr. No.	Name Candidate	No. of valid votes polled
1		
2		
3		
4		
5		
etc.		

- (a) Total of valid votes polled.....
 (b) Total No. of rejected votes.....
 (c) Total No. of votes polled (a+b).....
 (d) Total No. of tendered votes.....
 (e) Remarks.....

Place of Counting.....

I declare that :-

Name.....

Address.....

.....

Has been duly elected as Councilor from the above ward.

Place:

Date:

Signature of Returning Officer.

FORM-48
[See rule 80(3)]
RESULT OF ELECTION OF MAYOR /DEPUTY MAYOR

Election of Mayor/Deputy Mayor.....Municipal Corporation.

Sr. No.	Name Candidate	No. of valid votes polled
1		
2		
3		
4		
5		
etc.		

- (a) Total of valid votes polled.....
 (b) Total No. of rejected votes.....

(c) Total No. of votes polled.....

I, declared that—

Name.....

Address.....

.....

Has been duly elected as Mayor/Deputy Mayor of the above Municipal Corporation.

Place:

Date:

Signature of Returning Officer.

FORM-49
[See rule 80(3)]
RESULT SHEET

Election of Mayor/Deputy Mayor of Municipal Corporation.....

Sr. No.	Name Candidate	No. of valid votes polled
1		
2		
3		
4		
5		
etc.		

- (a) Total of valid votes polled.....
 (b) Total No. of rejected votes.....
 (c) Total no. of votes polled (a+b).....
 (d) Total No. of tendered votes.....
 (e) Remarks.....

Place of Counting:

Date:

Signature of Returning Officer.

FORM- 50
[See rule 89(3)]

I.....the petitioner in the accompanying election petition calling in question the election of Shri/Smt.....from.....respondent No.....in the said petition make solemn affirmation/oath and say,-

- (a) That the statement made in paragraphs.....of the accompanying lection about the commission of corrupt practices of theand the particulars of such corrupt practices given in paragraphof the Schedule annexedthereto are true to my knowledge.

(b) That the statement made in paragraph.....of the said petition about the commission of the corrupt practices ofand the particulars of such corrupt practices given in paragraphs.....of the said petition and in paragraphs.....of the schedule annexed thereto are true to my knowledge;

(c)

(d)

Etc.

Signature of deponent.

Solemnly affirmed/sworn by Shri/Smt..... at this.....day
of.....20..... Before me.

Executive Magistrate.

By order,
BHARATHI S. SIHAG,
Principal Secretary (U.D.).

स्वास्थ्य एवं परिवार कल्याण विभाग

अधिसूचना

शिमला-171002, 10 अगस्त, 2010

संख्या स्वास्थ्य-ए-ए(3)-17/2010.—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश चिकित्सा शिक्षा विभाग में छात्रावास प्रबन्धक, वर्ग-III, (अराजपत्रित) के पद के लिए इस अधिसूचना से संलग्न उपाबन्ध-“क” के अनुसार भर्ती और प्रोन्नति नियम बनाती हैं, अर्थात् :-

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश चिकित्सा शिक्षा विभाग, छात्रावास प्रबन्धक, वर्ग-III (अराजपत्रित) भर्ती और प्रोन्नति नियम, 2011 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. निरसन और व्यावृत्तियां.—(1) इस विभाग की अधिसूचना संख्या स्वास्थ्य-ए(3)- 6/94 दिनांक 15-5-2000 द्वारा अधिसूचित हिमाचल प्रदेश चिकित्सा शिक्षा विभाग में छात्रावास प्रबन्धक, वर्ग-III- (अराजपत्रित) भर्ती एवं प्रोन्नति नियम, 2000 का एतद्वारा निरसन किया जाता है।

(2) ऐसे निरसन के होते हुए भी उपर्युक्त उप-नियम 2(1) के अधीन इस प्रकार निरसित नियमों के अधीन की गई कोई नियुक्ति, बात या कार्रवाई इन नियमों के अधीन विधिमान्य रूप में की गई समझी जाएगी।

आदेश द्वारा
हस्ताक्षरित/—
प्रधान सचिव (स्वास्थ्य)।

**हिमाचल प्रदेश चिकित्सा शिक्षा विभाग में छात्रावास प्रबन्धक, वर्ग—III (अराजपत्रित) के पद के लिए
भर्ती और प्रोन्नति नियम**

1. पद का नाम.—छात्रावास प्रबन्धक।
2. पदों की संख्या.—03 (तीन)।
3. वर्गीकरण.—वर्ग—III (अराजपत्रित)।
4. वेतनमान.—(i) नियमित पदधारियों के लिए वेतनमान.— पे बैंड ₹ 5910—20200 जमा ₹ 2800/— ग्रेड पे।
(ii) संविदा पर नियुक्त कर्मचारियों के लिए उपलब्धियां.—₹ 8710/- रूपए प्रतिमास, स्तम्भ संख्या 15—क में दिए गए ब्यौरे के अनुसार।
5. चयन पद अथवा अचयन पद.—अचयन।
6. सीधी भर्ती के लिए आयु.— 18 से 45।

परन्तु सीधे भर्ती किए जाने वाले व्यक्तियों के लिए उपरी आयु सीमा तदर्थ या संविदा के आधार पर नियुक्त किए गए व्यक्तियों सहित पहले से ही सरकार की सेवा में रत अभ्यर्थियों को लागू नहीं होगी :

परन्तु यह और कि यदि तदर्थ या संविदा के आधार पर नियुक्त किया गया अभ्यर्थी इस रूप में नियुक्ति की तारीख को अधिक आयु का हो गया हो, तो वह तदर्थ या संविदा के आधार पर नियुक्ति के कारण विहित आयु में छूट के लिए पात्र नहीं होगा :

परन्तु यह और कि अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य वर्गों के व्यक्तियों के लिए उपरी आयु सीमा में उतनी ही छूट दी जा सकेगी, जितनी हिमाचल प्रदेश सरकार के साधारण या विशेष आदेशों के अधीन अनुज्ञेय है:

परन्तु यह और कि पब्लिक सैक्टर, निगमों तथा स्वायत्त निकायों के सभी कर्मचारियों को, जो ऐसे पब्लिक सैक्टर निगमों तथा स्वायत्त निकायों के प्रारम्भिक गठन के समय ऐसे पब्लिक सैक्टर निगमों/स्वायत्त निकायों से पूर्व सरकारी कर्मचारी थे, सीधी भर्ती में आयु सीमा में ऐसी ही रियायत दी जाएगी, जैसी सरकारी कर्मचारियों को अनुज्ञेय है, किन्तु इस प्रकार की रियायत पब्लिक सैक्टर निगमों तथा स्वायत्त निकायों के ऐसे कर्मचारीवृन्द को अनुज्ञेय नहीं होगी जो पश्चातवर्ती ऐसे निगमों/स्वायत्त निकायों द्वारा नियुक्त किए गए थे/किए गए हैं और उन पब्लिक सैक्टर निगमों/स्वायत्त निकायों के प्रारम्भिक गठन के पश्चात निगमों/स्वायत्त निकायों की सेवा में अन्तिम रूप से आमेलित किए गए हैं/किए गए थे।

1. सीधी भर्ती के लिए आयु सीमा की गणना, उस वर्ष के प्रथम दिवस से की जाएगी जिसमें पद (पदों) को, आवेदन आमंत्रित करने के लिए यथास्थिति विज्ञापित किया गया है या नियोजनालयों को अधिसूचित किया गया है।

2. अन्यथा सुअर्हित अभ्यर्थियों की दशा में सीधी भर्ती के लिए आयु सीमा और अनुभव हिमाचल प्रदेश लोक सेवा आयोग के विवेकानुसार शिथिल किया जा सकेगा।

7. सीधे भर्ती किये जाने वाले व्यक्ति(व्यक्तियों) के लिए अपेक्षित न्यूनतम शैक्षिक और अन्य अर्हताएं.—(1) अनिवार्य अर्हता.—किसी मान्यता प्राप्त संस्थान से कैंटरिंग मैनेजर में डिप्लोमा/ सर्टिफिकेट/ कोर्स के साथ दस जमा दो ।

(2) वांछनीय अर्हता.—हिमाचल प्रदेश की रुढ़ियों, रीतियों और बोलियों का ज्ञान और प्रदेश में विद्यमान विशिष्ट दशाओं में नियुक्ति के लिए उपयुक्तता ।

8. सीधे भर्ती किए जाने वाले व्यक्ति(यों) के लिए विहित आयु और शैक्षिक अर्हताएं प्रोन्नत व्यक्ति(यों) की दशा में लागू होगी या नहीं.—(क) आयु.— लागू नहीं ।

(ख) शैक्षणिक अर्हता.— लागू नहीं ।

9. परीक्षा की अवधि, यदि कोई हो.—दो वर्ष, जिसका एक वर्ष से अनधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा, जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दे ।

10. भर्ती की पद्धति—भर्ती सीधी होगी या प्रोन्नति, प्रतिनियुक्ति, स्थानांतरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पद(पदों)की प्रतिशतता.—(i) 66-2/3 प्रतिशत, यथास्थिति सीधी भर्ती द्वारा या संविदा के आधार पर । संविदा पर नियुक्त कर्मचारी स्तम्भ संख्या 15-क में दी गई उपलब्धियां प्राप्त करेंगे और तथाकथित स्तम्भ में विनिर्दिष्ट सेवा शर्तों द्वारा विनियमित होंगे ।

(ii) 33-1/3 प्रतिशत प्रोन्नति द्वारा ।

11. प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण की दशा में श्रेणिया (ग्रेड) जिनसे प्रोन्नति/प्रतिनियुक्ति/स्थानान्तरण किया जायेगा.—हाऊस कीपरां में से प्रोन्नति द्वारा, जिनका पांच वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवा, यदि कोई हो, को सम्मिलित करके पांच वर्ष का नियमित सेवाकाल हो ।

परन्तु यह कि छात्रावास प्रबन्धक के पद को भरने के लिए निम्नलिखित पद आधारित 03 बिन्दु रोस्टर अपनाया जाएगा :-

1. पहला पद प्रोन्नति द्वारा
2. दूसरा पद सीधी भर्ती द्वारा
3. तीसरा पद सीधी भर्ती द्वारा

टिप्पण.—प्रत्येक तीसरे बिन्दु के पश्चात् रोस्टर की पुनरावृत्ति की जाएगी जब तक कि सभी प्रवर्गों को दिए गए प्रतिनिधित्व की प्रतिशतता पूर्ण न हो जाए । तत्पश्चात् रिक्ति उस प्रवर्ग में से भरी जाएगी जिसमें पद रिक्त होता हो ।

परन्तु प्रोन्नति के प्रयोजन के लिए प्रत्येक कर्मचारी को, जनजातीय/दुर्गम क्षेत्रों में पद (पदों) की ऐसे क्षेत्रों में पर्याप्त संख्या की उपलब्धता के अध्येक्षित, कम से कम एक कार्यकाल तक सेवा करनी होगी :

परन्तु यह और कि उपर्युक्त परन्तुक (1) उन कर्मचारियों के मामले में लागू नहीं होगा जिनकी अधिवर्षिता के लिए पांच वर्ष या उससे कम की सेवा शेष रही हों :

परन्तु यह और भी कि उन अधिकारियों/कर्मचारियों को, जिन्होंने जनजातीय/दुर्गम क्षेत्र में कम से कम एक कार्यकाल तक सेवा नहीं की है, ऐसे क्षेत्र में उसके अपने संवर्ग (काडर) में सर्वथा वरिष्ठता के अनुसार स्थानान्तरण किया जाएगा ।

सपष्टीकरण I.—उपर्युक्त परन्तुक के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्रों में “कार्यकाल” से साधारणतया तीन वर्ष की अवधि या प्रशासनिक अपेक्षाओं और कर्मचारी द्वारा किए गए कार्य को ध्यान में रखते हुए ऐसे क्षेत्रों में तैनाती की इससे कम अवधि अभिप्रेत होगी ।

स्पष्टीकरण II.—उपर्युक्त परन्तुक के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्र निम्न प्रकार से होंगे :—

1. जिला लाहौल एवं स्पिति ।
2. चम्बा जिला का पांगी और भरमौर उप मण्डल ।
3. रोहडू उप मण्डल का डोडरा क्वार क्षेत्र ।
4. जिला शिमला की रामपुर तहसील का पन्द्रह बीस परगना, मुनीष दरकाली और ग्राम पंचायत काशापट ।
5. कुल्लू जिला का पन्द्रह बीस परगना ।
6. कांगड़ा जिला के बैजनाथ उप मण्डल का बडा भंगाल क्षेत्र ।
7. जिला किन्नौर ।
8. सिरमौर जिला में उप तहसील कमराउ के काठवाड और कोरगा पटवार वृत्त, रेणुकाजी तहसील के भलाड़-भलौना और सांगना पटवार वृत्त और शिलाई तहसील के कोटा पाब पटवार वृत्त ।
9. मण्डी जिला में करसोग तहसील का खन्योल-बगड़ा पटवार वृत्त, बाली चौकी उप तहसील के गाडा गोसाई, मठयानी, घनयाड, थाची, बागी, सोमगाड़ और खोलानाल, पद्मर तहसील के झारवाड, कटुगढ, ग्रामन, देवगढ, ट्रैला, रोपा, कथोग, सिल्ह-भडवानी, हस्तपुर, घमरेड और भटेढ पटवार वृत्त, थुनाग तहसील के चियूणी, कालीपार, मानगढ, थाच-बगड़ा, उत्तरी मगरू और दक्षिणी मगरू पटवार वृत्त और सुन्दरनगर तहसील का बटवाड़ा पटवार वृत्त ।

(1) प्रोन्नति के सभी मामलों में, पद पर नियमित नियुक्ति से पूर्व सम्भरक (पोषक) पद में की गई लगातार तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिए इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधीन रहते हुए गणना में ली जाएगी, कि सम्भरक प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति, भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाने के पश्चात की गई थी:

परन्तु उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति सम्भरक पद में अपने कुल सेवाकाल (तदर्थ आधार पर की गई तदर्थ सेवा सहित, जो नियमित सेवा/नियुक्ति के अनुसरण में हो) के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहां अपने-अपने प्रवर्ग/पद/कांडर में उससे वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्तियों से ऊपर रखे जाएंगे :

परन्तु यह और कि उन सभी पदधारियों की, जिन पर प्रोन्नति के लिए विचार किया जाना है, कम से कम तीन वर्ष की न्यूनतम अहर्ता सेवा या पद के भर्ती और प्रोन्नति नियमों में विहित सेवा, जो भी कम हो, होगी:

परन्तु यह और भी कि जहां कोई व्यक्ति पूर्वगामी परन्तुक की अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए अपात्र हो जाता है, वहां उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के लिए अपात्र समझा जाएगा/समझे जाएंगे ।

स्पष्टीकरण.—अन्तिम परन्तुक के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है जिसे डिमोबिलाइज्ड आर्मड फोर्सिस परसोनल (रिजर्वेशन आफ वेकेन्सीज इन हिमाचल स्टेट नान टैक्नीकल सर्विसिज) रुल्ज, 1972 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया है और इनके अन्तर्गत वरीयता लाभ दिए गये हों या जिसे एक्स सर्विसमैन (रिजर्वेशन आफ वेकेन्सीज इन दी हिमाचल प्रदेश टेक्निकल सर्विसिज) रुल्ज, 1985 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो और इनके अन्तर्गत वरीयता लाभ दिए गये हों

(2) इसी प्रकार स्थाईकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से पूर्व सम्भरक पद पर की गई लगातार तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि तदर्थ नियुक्ति/प्रोन्नति, उचित चयन के पश्चात और भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु की गई उपर्युक्त निर्दिष्ट तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थाईकरण होगा, उसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी।

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो तो उसकी संरचना.—जैसी सरकार द्वारा समय-समय पर गठित की जाए।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा—जैसा विधि द्वारा अपेक्षित हो।

14. सीधी भर्ती के लिए अनिवार्य अपेक्षा.—किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी का भारत का नागरिक होना अनिवार्य है।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन.—सीधी भर्ती के मामले में पद पर नियुक्ति के लिए चयन, मौखिक परीक्षा के आधार पर किया जाएगा। यदि, यथास्थिति, हिमाचल प्रदेश लोक सेवा आयोग या अन्य भर्ती प्राधिकरण ऐसा करना आवश्यक या समीचीन समझे, तो लिखित परीक्षा के आधार पर किया जाएगा जिसका स्तर/पाठ्यक्रम, यथास्थिति, आयोग/अन्य भर्ती प्राधिकरण द्वारा अवधारित किया जाएगा।

15-क. संविदा नियुक्ति द्वारा पद पर नियुक्ति के लिए चयन इन नियमों में किसी बात के होते हुए भी पद पर संविदा नियुक्तियों नीचे दिए गए निबन्धनों और शर्तों के अधीन की जाएंगी :—

(I) संकल्पना.—(क) इस पालिसी के अधीन हिमाचल प्रदेश चिकित्सा शिक्षा विभाग में छात्रावास प्रबन्धक को संविदा के आधार पर प्रारम्भ में एक वर्ष के लिए लगाया जाएगा। जिसे वर्षानुवर्ष आधार पर बढ़ाया जा सकेगा :

परन्तु वर्षानुवर्ष आधार पर संविदा की अवधि में विस्तारण/नवीकरण के लिए संबद्ध विभागाध्यक्ष यह प्रमाण-पत्र जारी करेगा कि संविदा पर नियुक्त व्यक्ति की सेवा और आचरण, वर्ष के दौरान संतोषजनक रहा है और केवल तभी उसकी संविदा की अवधि को विस्तारित/नवीकृत किया जाएगा।

(ख) पद का हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर के कार्यक्षेत्र में आना.—निदेशक, चिकित्सा शिक्षा, हिमाचल प्रदेश सरकार रिक्त पदों को संविदा के आधार पर भरने के लिए सरकार का अनुमोदन प्राप्त करने के पश्चात् अध्यपेक्षा को सम्बन्धित भर्ती अभिकरण अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर के समक्ष रखेगा।

(ग) चयन, इन नियमों में विहित पात्रता शर्तों के अनुसार किया जाएगा।

(II) संविदात्मक उपलब्धियां.—संविदा आधार पर नियुक्त छात्रावास प्रबन्धक को ₹ 8710/- की समेकित नियत संविदात्मक रकम (जो पे बैंड के न्यूनतम जमा ग्रेड पे के बराबर होगी) प्रतिमास संदत्त की जाएगी। यदि संविदा में एक वर्ष से अधिक की बढ़ोतरी की जाती है, तो पश्चात्वर्ती वर्ष/वर्षों के लिए संविदात्मक उपलब्धियों में ₹ 260/- की रकम (पद के पे बैंड के न्यूनतम जमा ग्रेड पे का तीन प्रतिशत) वार्षिक वृद्धि के रूप में अनुज्ञात की जाएगी।

(III) नियुक्ति/अनुशासन प्राधिकारी.—निदेशक, चिकित्सा शिक्षा, हिमाचल प्रदेश सरकार, नियुक्ति और अनुशासन प्राधिकारी होगा।

(IV) चयन प्रक्रिया.—संविदा नियुक्ति की दशा में पद पर नियुक्ति के लिए चयन, मौखिक परीक्षा के आधार पर किया जाएगा या यदि आवश्यक या समीचीन समझा जाए, तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जाएगा, जिसका स्तर/पाठ्यक्रम आदि सम्बद्ध भर्ती अभिकरण अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर द्वारा अवधारित किया जाएगा।

(V) **संविदात्मक नियुक्तियों के लिए चयन समिति.**—जैसी सम्बद्ध भर्ती अभिकरण, अर्थात् हिमाचल प्रदेश अधीनस्थ सेवाएं चयन बोर्ड, हमीरपुर द्वारा समय-समय पर गठित की जाए ।

(VI) **करार.**—अभ्यर्थी को चयन के पश्चात् इन नियमों से संलग्न उपाबन्ध-‘ख’ के अनुसार करार हस्ताक्षरित करना होगा ।

(VII) **निबन्धन और शर्तें.**—(क) संविदात्मक नियुक्त व्यक्ति को ₹ 8710/- की नियत संविदात्मक रकम (जो पे बैण्ड के न्यूनतम जमा ग्रेड पे के बराबर होगी) प्रतिमास संदत्त की जाएगी। संविदा पर नियुक्त व्यक्ति आगे बढ़ाए गए वर्षों के लिए संविदात्मक रकम में ₹ 260/- की रकम (पद के पे बैण्ड के न्यूनतम जमा ग्रेड पे का तीन प्रतिशत) की वृद्धि का हकदार होगा और अन्य कोई सहबद्ध प्रसुविधाएं जैसे वरिष्ठ/चयन वेतनमान आदि नहीं दिया जाएगा ।

(ख) संविदा पर नियुक्त व्यक्ति की सेवा पूर्णतया अस्थायी आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण ठीक नहीं पाया जाता है, तो नियुक्ति समाप्त किए जाने के लिए दायी होगी।

(ग) संविदात्मक नियुक्त व्यक्ति एक मास की सेवा पूरी करने के पश्चात् एक दिन के आकस्मिक अवकाश का हकदार होगा। यह अवकाश एक वर्ष तक संचित किया जा सकेगा। संविदा पर नियुक्त व्यक्ति को किसी भी प्रकार का अन्य कोई अवकाश अनुज्ञात नहीं होगा। वह चिकित्सा प्रतिपूर्ति और एल0टी0सी0 इत्यादि के लिए भी हकदार नहीं होगा/होगी। केवल प्रसूति अवकाश, नियमानुसार दिया जाएगा।

(घ) नियन्त्रक अधिकारी के अनुमोदन के बिना सेवा से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यावसान (समापन) हो जाएगा । संविदा पर नियुक्त व्यक्ति कर्तव्य (ड्यूटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा ।

(ङ) संविदा पर नियुक्त कर्मचारी, जिसने तैनाती के एक स्थान पर पांच वर्ष का कार्यकाल पूर्ण कर लिया है, आवश्यकता के आधार पर स्थानांतरण हेतु पात्र होगा, जहां भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो ।

(च) चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण पत्र प्रस्तुत करना होगा । बारह सप्ताह से अधिक की गर्भवती महिला अभ्यर्थी प्रसव होने तक, अस्थायी तौर पर अनुपयुक्त बनी रहेगी । महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाएगा ।

(छ) संविदा पर नियुक्त व्यक्ति का यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो तो वह उसी दर पर, जैसी नियमित कर्मचारियों को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा/होगी।

(ज) नियमित कर्मचारियों की दशा में यथा लागू सेवा नियमों के उपबन्ध जैसे एफ0आर0—एस0आर0, छुट्टी नियम,साधारण भविष्य निधि नियम, पेंशन नियम तथा आचरण नियम आदि संविदा पर नियुक्त व्यक्तियों की दशा में लागू नहीं होंगे । वे इस स्तम्भ में यथावर्णित उपलब्धियों आदि के लिए हकदार होंगे ।

16. **आरक्षण.**—सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा, समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य प्रवर्ग के व्यक्तियों के लिए सेवा में आरक्षण की बाबत जारी किए गए आदेशों के अधीन होगी।

17. **विभागीय परीक्षा.**—लागू नहीं।

18. **शिथिल करने की शक्ति.**—जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां वह, कारणों को लिखित में अभिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के

परामर्श से, आदेश द्वारा, इन नियमों के किन्हीं उपबन्धों(i) को किसी वर्ग या व्यक्तिय(i) के प्रवर्ग या पद(पदों) की बाबत, शिथिल कर सकेगी ।

उपाबन्ध—“ख”

(पद का नाम).....और हिमाचल प्रदेश सरकार के मध्य निदेशक, चिकित्सा शिक्षा विभाग के माध्यम से निष्पादित की जाने वाले संविदा/करार का प्रारूप

यह करार श्री/श्रीमति..... पुत्र/पुत्री श्री..... निवासी....., संविदा पर नियुक्त व्यक्ति (जिसे इसमें इसके पश्चात् ‘प्रथम पक्षकार’ कहा गया है), और हिमाचल प्रदेश की राज्यपाल के मध्य, निदेशक, चिकित्सा शिक्षा (जिसे इसमें इसके पश्चात् ‘द्वितीय पक्षकार’ कहा गया है) के माध्यम से आज तारीख..... को किया गया ।

‘द्वितीय पक्षकार’ उपरोक्त प्रथम पक्षकार को लगाया है और प्रथम पक्षकार ने(पद का नाम) के रूप में संविदा आधार पर निम्नलिखित निबन्धन और शर्तों पर सेवा करने के लिए सहमति दी है:—

1. यह कि प्रथम पक्षकार ने.....(पद का नाम) के रूप में.....से प्रारम्भ होने और.....को समाप्त होने वाले दिन तक एक वर्ष की अवधि के लिए द्वितीय पक्षकार की सेवा में रहेगा। यह विनिर्दिष्ट रूप से उल्लिखित किया गया है और दोनों पक्षकारों द्वारा करार पाया गया है कि प्रथम पक्षकार की द्वितीय पक्षकार के साथ संविदा, आखिरी कार्य दिवस को अर्थात्.....दिन को स्वयंमेव ही पर्यवसित (समाप्त) हो जाएगी तथा सूचना नोटिस आवश्यक नहीं होगा:

परन्तु वर्षानुवर्ष आधार पर संविदा की अवधि में विस्तारण/नवीकरण के लिए सम्बद्ध विभागाध्यक्ष यह प्रमाण—पत्र जारी करेगा कि संविदा पर नियुक्त व्यक्ति की सेवा और आचरण वर्ष के दौरान संतोषजनक रहा है और केवल तभी उसकी संविदा की अवधि को विस्तारित/नवीकृत किया जाएगा ।

2. प्रथम पक्षकार की संविदात्मक रकम..... रूपए प्रतिमास होगी।
3. प्रथम पक्षकार की सेवा पूर्णतया अस्थाई आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण ठीक नहीं पाया जाता है या यदि नियमित पदधारी उस रिक्ति के विरुद्ध नियुक्त/तैनात कर दिया जाता है, जिसके लिए प्रथम पक्षकार को संविदा पर लगाया गया है तो नियुक्ति पर्यवसित (समाप्त) किए जाने के लिए दायी होगी।
4. संविदात्मक नियुक्त(पद का नाम) एक मास की सेवा पूरी करने के पश्चात् एक दिन के आकस्मिक अवकाश का हकदार होगा। यह अवकाश एक वर्ष तक संचित किया जा सकेगा। संविदात्मक नियुक्त(पद का नाम) को किसी भी प्रकार का अन्य कोई अवकाश अनुज्ञात नहीं होगा। वह चिकित्सा प्रतिपूर्ति और एल0टी0सी0 इत्यादि के लिए भी हकदार नहीं होगा/होगी। केवल प्रसूति अवकाश, नियमानुसार दिया जाएगा।
5. नियन्त्रक अधिकारी के अनुमोदन के बिना कर्त्तव्यों से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यावसान (समापन) हो जाएगा। संविदात्मक नियुक्त(पद का नाम) कर्त्तव्य (ड्यूटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा।
6. संविदा आधार पर नियुक्त कर्मचारी, जिसने तैनाती के एक स्थान पर पांच वर्ष का कार्यकाल पूर्ण कर लिया है, आवश्यकता के आधार पर स्थानांतरण हेतु पात्र होगा, जहां भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो।

7. चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण-पत्र प्रस्तुत करना होगा। महिला अभ्यर्थियों की दशा में, बारह सप्ताह से अधिक की गर्भावस्था प्रसव होने तक, उसे अस्थाई तौर पर अनुपयुक्त बना देगी। महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाना चाहिए।
8. संविदा पर नियुक्त व्यक्ति का, यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो, तो वह उसी दर पर, जैसी नियमित प्रतिस्थानी कर्मचारी को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा/होगी।
9. संविदात्मक नियुक्त व्यक्ति(यों) को कर्मचारी सामूहिक बीमा योजना के साथ-साथ इ0पी0एफ0/जी0पी0एफ0 भी लागू नहीं होगा।

इसके साक्ष्यस्वरूप प्रथम पक्षकार और द्वितीय पक्षकार ने साक्षियों की उपस्थिति में इसमें सर्वप्रथम उल्लिखित तारीख को अपने-अपने हस्ताक्षर कर दिए हैं।

साक्षियों की उपस्थिति में :-

1.....

.....

.....

(नाम व पूरा पता)

2.....

.....

.....

(नाम व पूरा पता)

(प्रथम पक्षकार के हस्ताक्षर)

साक्षियों की उपस्थिति में :-

1.....

.....

.....

(नाम व पूरा पता)

2.....

.....

.....

(नाम व पूरा पता)

(द्वितीय पक्षकार के हस्ताक्षर)

[Authoritative English text of this Department Notification No. Health-A -A(3)-17/2010, dated 10th August, 2011 as required under clause (3) of Article 348 of the Constitution of India].

HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

Shimla-2, the 10th August, 2011

No. Health-A-A(3)-17/2010.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment & Promotion Rules for the post of Hostel Manager, Class III (Non-Gazetted), in the Department of Medical Education, Himachal Pradesh as per Annexure-A attached to this notification, namely :-

1. Short title and commencement.—(1) These Rules may be called the Himachal Pradesh, Department of Medical Education, Hostel Manager, Class III (Non-Gazetted), Recruitment and Promotion, Rules, 2011.

(2) These Rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Repeal & savings.—(1) The Himachal Pradesh, Department of Medical Education, Hostel Manager, Class III (Non-Gazetted), Recruitment and Promotion, Rules, 2000 notified vide this Department Notification No. Health-A(3)-6/94, dated 15-5-2000 are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or any thing done or any action taken under the rules so repealed under sub-rule 2(1) supra shall be deemed to have been validly made or done or taken under these rules.

By order,

Sd/-

Principal Secretary (Health).

ANNEXURE-“A”

RECRUITMENT AND PROMOTION RULES FOR THE POST OF HOSTEL MANAGER (NON-GAZETTED) CLASS-III, IN THE MEDICAL EDUCATION DEPARTMENT, HIMACHAL PRADESH

1. Name of the posts.—Hostel Manager

2. Number of posts.—3 (Three)

3. Classification.—Class-III (Non-Gazetted),

4. Scale of Pay.—(i) *Scale of Pay for regular incumbents.*—Pay Band ₹ 5910-20200+ ₹ 2800 Grade Pay.

(ii) *Emoluments for contract employees.*— ₹ 8710/- P.M. as per details given in Col. No.15-A.

5. Whether Selection Post or Non- Selection Post.—Non-Selection.

6. Age for direct Recruitment.—Between 18 to 45

Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on adhoc or on contract basis;

Provided further that if a candidate appointed on adhoc basis had become overage on the date when he was appointed as such he shall not be eligible for any relaxation in the prescribed age limit by virtue of his such adhoc or contract appointment ;

Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes/ other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government;

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government Servants before absorption in Public Sector Corporations/Autonomous Bodies at the time of initial constitutions /of such Corporations/ Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations/Autonomous Bodies who were/are subsequently appointed by such Corporation/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies;

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is / are advertised for inviting applications or notified to the Employment Exchanges or as the case may be.

(2) Age and experience in the case of direct recruitment relaxable at the discretion of the Himachal Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum Educational and other qualifications required for direct recruit(s).—
(a) *Essential Qualification(s).*—10+2 with Diploma/Certificate Course in Catering Manager from a recognized Institute.

(b) *Desirable Qualification(s)* .—Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh

8. Whether age and educational qualification(s) prescribed for direct recruit(s) will apply in the case of the promotee(s).— (a) *Age:* Not applicable.

(b) *Educational Qualification.*—Not applicable

9. Period of probation, if any.—Two Years' subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.

10. Method(s) of recruitment whether by direct recruitment or by promotion, deputation, transfer and the percentage of post(s) to be filled-in by various methods.—(i) 66-2/3 % by direct recruitment or on contract basis as the case may be. The contract employees will get emoluments as given in Col. 15-A and will be governed by service conditions as specified in the said column.

(ii) 33-1/3 % by promotion

11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/transfer is to be made.—By promotion from amongst the House Keepers with five years regular service or regular combined with continuous adhoc service rendered, if any, in the grade.

Provided that for filling up the posts of Hostel Manager the following posts based 03 point roster shall be followed :-

1. 1st post - By promotion
2. 2nd post - By direct recruitment
3. 3rd post - By direct recruitment

Note.—The roster shall be repeated after every 3rd point till the representation to all categories is achieved by the given percentage. Thereafter the vacancy is to be filled up from the category which vacates the post.

Provided that for the purpose of promotion every employee shall have to serve at least one term in the Tribal/Difficult areas subject to adequate number of post(s) available in such area:

Provided further that the proviso(I) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation.

Provided further that Officers/Officials who have not served atleast one tenure in Tribal/difficult area shall be transferred to such area strictly in accordance with his/her seniority in the respective cadre.

Explanation I.—For the purpose of proviso I supra the “term” in Tribal/Difficult areas shall mean normally three years or less period of posting in such areas keeping in view the administrative requirements and performance of the employee.

Explanation II.—For the purpose of proviso I supra the Tribal/Difficult Areas shall be as under :

1. District Lahaul Spiti
2. Pangi and Bharmour Sub Division of Chamba District.
3. Dodra Kwar Area of Rohru Sub-Division.
4. Pandrah Bis Pargana, Munish Darkali and Gram Panchayat Kashapat, Gram Panchayats of Rampur Tehsil of District Shimla.
5. Pandrah Bis Pargana of Kullu District.
6. Bara Bhawal Area of Baijnath Sub Division of Kangra District.
7. District Kinnaur.
8. Kathwar and Karga Patwar Circles of Kamrau Sub Tehsil, Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmour District.
9. Khanyol-Bagra Patwar Circle of Karsog Tehsil, Gada Gussaini, Mathyani, Ghanyar, Thachi, Baggi, Somgad and Kholanal of Bali Chowki Sub Tehsil, Jharwar, Kutgarh, Graman, Devgarh, Trailla, Ropa, Kathog, Silla-Badhwani, Hastpur, Ghamrehar and Bhatehar Patwar Circle of Padhar Tehsil, Chiuni, Kalipar, Mangarh, Thach-Bagra, North Magru and South Magru Patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sunder Nagar Tehsil in Mandi District.

(I) In all cases of promotion, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these Rules for promotion subject to the condition that the adhoc appointment/ promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules;

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on adhoc basis, followed by regular service/ appointment) in the feeder post in view of the provision referred to above, all persons

senior to him/her in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration;

Provided further that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the R&P Rules for the post, whichever is less;

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him/ her shall also be deemed to be ineligible for consideration for such promotion;

Explanation.—The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be Ex-Serviceman recruited under the provisions of Rule-3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in the Himachal State Non-Technical Service) Rules, 1972 and having been given the benefit of seniority there-under or recruited under the provisions of Rule-3 of the Ex-Serviceman (Reservation of vacancies in Himachal Pradesh Technical Services) Rules, 1985 and having given the benefit of seniority there-under.

(2) Similarly, in all cases of confirmation adhoc service rendered on the feeder post, if any, prior to the regular appointment/promotion against such post shall be taken into account towards the length of service, if the adhoc appointment/promotion had been made after proper selection and in accordance with the provision of the R&P Rules.

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition.—As may be constituted by the Government from time to time.

13. Circumstances under which the HP Public Service Commission is to be consulted in making recruitment.—As required under the law.

14. Essential requirement for direct recruitment.—A candidate for appointment to any service of post must be a citizen of India.

15. Selection for appointment to post by direct recruitment.—Selection for appointment to the post in the case of direct recruitment shall be made on the basis of viva-voce test if the Himachal Pradesh Public Service Commission or other recruiting authority as the case may be, so consider necessary or expedient by a written test or practical test, the standard/syllabus etc. of which, will be determined by the commission/other recruiting authority as the case may be.

15-A. Selection for appointment to the post by contract appointment Notwithstanding anything contained in these rules, contract appointments to the post will be made subject to the terms and conditions given below: -

(I) CONCEPT.—(a) Under this policy, the Hostel Manager in the Medical Education Department will be engaged on contract basis initially for one year, which may be extendable on year to year –basis:

Provided that for extension/renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be extended/renewed.

(b) **POST FALLS WITHIN THE PURVIEW OF HPSSSB.**—The Director of Medical Education after obtaining the approval of the Govt. to fill up the vacant posts on contract basis will place the requisition with the concerned recruiting agency i.e. H.P. Subordinate Services Selection Board, Hamirpur.

(c) The Selection will be made in accordance with the eligibility conditions prescribed in these Rules.

II. CONTRACTUAL EMOLUMENTS.—The Hostel Manager appointed on contract basis will be paid consolidated fixed contractual amount @ Rs.8710- P.M. (which shall be equal to minimum of the pay band +Grade pay). An amount of Rs. 260/- (3% of the minimum pay band+grade pay of the post) as annual increase in contractual emoluments for the subsequent year(s) will be allowed if contract is extended beyond one year.

III. APPOINTING /DISCIPLINARY AUTHORITY.—Director of Medical Education, H.P. will be appointing and disciplinary authority.

IV. SELECTION PROCESS.—Selection for appointment to the post in the case of contract appointment will be made on the basis of viva-voce test or if consider necessary or expedient by a written test or practical test the standard/syllabus etc. of which will be determined by the concerned recruiting agency i.e. H.P.Subordinate Services Selection Board, Hamirpur.

V. COMMITTEE FOR SELECTION OF CONTRACTUAL APPOINTMENTS.—As may be constituted by the concerned recruiting agency i.e. H.P. Subordinate Services Selection Board , Hamirpur from time to time.

VI. AGREEMENT.—After selection of a candidate he/she shall to sign an agreement as per Annexure-B appended to these Rules.

VII. TERMS AND CONDITIONS.—(a) The contractual appointee will be paid fixed contractual amount @ 8710/- per month (which shall be equal to minimum of the pay band + grade pay). The contract appointee will be entitled for increase in contractual amount @ Rs.260/- (3% of minimum of the pay band+grade pay of the post) for further extended years and no other allied benefits such as senior/ selection scales etc. will be given .

(b) The service of the Contract Appointee will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found satisfactory.

(c) Contractual Appointee will be entitled for one day casual leave after putting one month service. This leave can be accumulated upto one year. No leave of any other kind is admissible to the contract appointee. He/she will not be entitled for Medical Reimbursement and LTC etc., only maternity leave will be given as per Rules.

(d) Unauthorized absence from the duty without the approval of the controlling Officers shall automatically lead to the termination of the contract. Contract appointee shall not be entitled for contractual amount for the period of absence from duty.

(e) An official appointed on contract basis who have completed five years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

(f) Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. The women candidate pregnant beyond twelve weeks will stand temporarily unfit till the confinement is over. The women candidate will be reexamined for the fitness from an authorized Medical Officer/ Practitioner.

(g) Contract appointee will be entitled to TA/DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular official at the minimum of pay scale.

(h) Provisions of service rules like FR SR, Leave Rules, GPF Rules, Pension Rules & Conduct Rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointee. They will be entitled for emoluments etc. as detailed in this Column.

16. **Reservation.**—The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Caste/ Scheduled Tribes/Other Backwards Classes/other categories of persons issued by the Himachal Pradesh Government from time to time.

17. **Departmental Examination.**—Not Applicable.

18. **Power to Relax.**—Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the H.P. Public Service Commission, relax any of the provision(s) of these Rules with respect to any class or category of person(s) or post(s).

ANNEXURE-B

Form of contract/agreement to be executed between the ----- (name of post) & the Government of Himachal Pradesh through Director, Medical Education Department

This agreement is made on this.....day of.....in the year.....Between Sh/Smt.....S/o/D/oShri.....R/o.....Contract appointee (hereinafter called the FIRST PARTY), AND The Governor, Himachal Pradesh through Director, Medical Education Department, Himachal Pradesh (here-in-after the SECOND PARTY). Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a..... (name of post) on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a (name of the post) on contract basis for a period of 1 year commencing on day of.....and ending on the day of..... It is specifically mentioned and agreed upon by both the parties that the contract of the FIRST PARTY with SECOND PARTY shall ipso-facto stand terminated on the last working day i.e. on and information notice shall not be necessary:

Provided that for extension/ renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year and only then his period of contract is to be extended /renewed.

2. The contractual amount of the FIRST PARTY will be Rs...../- per month.

3. The service of FIRST PARTY will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found good

or if a regular incumbent is appointed/posted against the vacancy for which the first party was engaged on contract.

4. Contractual..... (name of the post) will be entitled for one day casual leave after putting in one month service. This leave can be accumulated upto one year. No leave of any kind is admissible to the contractual.....(name of the post) He will not be entitled for Medical Reimbursement and LTC etc. Only maternity leave will be given as per Rules.

5. Unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. A contractual..... (name of the post) will not be entitled for contractual amount for the period of absence from duty.

6. An official appointed on contract basis who have completed five years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

7. Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. In case of women candidates pregnant beyond twelve weeks will render her temporarily unfit till the confinement is over. The women candidate should be re-examined for fitness from an authorized Medical Officer/ Practitioner.

8. Contract appointee shall be entitled to TA/DA if required to go on tour in connection with his official duties at the same rate as applicable to regular counter-part official at the minimum of the pay scale.

9. The Employees Group Insurance Scheme as well as EPF/GPF will not be applicable to the contractual appointee (s).

IN WITNESS the FIRST PARTY AND SECOND PARTY have herein to set their hands the day, month and year first, above written.

IN THE PRESENCE OF WITNESS:

1.....
.....
.....

(Name and Full Address)

2.
.....
.....

(Name and Full Address

(Signature of the FIRST PARTY)

IN THE PRESENCE OF WITNESS

1.....
.....
.....

(Name and Full Address)

2.
.....
.....

(Name and Full Address)

(Signature of the SECOND PARTY)

स्वास्थ्य एवं परिवार कल्याण विभाग

अधिसूचना

शिमला-171002, 03-01-2012

संख्या स्वास्थ्य-ए-ए(3)-2/2010.—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश स्वास्थ्य एवं परिवार कल्याण विभाग में तकनीकी अधिकारी (रेडियोलॉजी), वर्ग-III, (अराजपत्रित) के पद के लिए अधिसूचना से संलग्न उपाबन्ध- 'क' के अनुसार भर्ती और प्रोन्नति नियम बनाती हैं, अर्थात् :-

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश स्वास्थ्य एवं परिवार कल्याण विभाग तकनीकी अधिकारी (रेडियोलॉजी), वर्ग-III (अराजपत्रित) भर्ती और प्रोन्नति नियम, 2011 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. निरसन और व्यावृत्तियां.—(1) इस विभाग की अधिसूचना संख्या स्वास्थ्य-ए-ए (3)-4/77 (बायो-कैम रेडियोलॉजी) तारीख 11-7-1988 द्वारा अधिसूचित हिमाचल प्रदेश स्वास्थ्य एवं परिवार कल्याण विभाग तकनीकी अधिकारी (रेडियोलॉजी), वर्ग-III-(अराजपत्रित) भर्ती और प्रोन्नति नियम, 1988 का एतद्वारा निरसन किया जाता है।

(2) ऐसे निरसन के होते हुए भी उपर्युक्त उप-नियम (1) के अधीन इस पद पर निरसित नियमों के अधीन की गई कोई नियुक्ति, बात या कार्रवाई इन नियमों के अधीन विधिमान्य रूप में की गई समझी जाएगी।

आदेश द्वारा,
हस्ताक्षरित /—
सचिव (स्वास्थ्य)।

उपाबन्ध-“क”

हिमाचल प्रदेश स्वास्थ्य एवं परिवार कल्याण विभाग में तकनीकी अधिकारी (रेडियोलॉजी), वर्ग-III (अराजपत्रित) के पद के लिए भर्ती और प्रोन्नति नियम

- 1. पद का नाम.**—तकनीकी अधिकारी (रेडियोलॉजी)
- 2. पदों की संख्या.**—1 (एक)
- 3. वर्गीकरण.**—वर्ग- III (अराजपत्रित)
- 4. वेतनमान.**—पे बैंड ₹ 10300-34800 जमा ₹ 3800 /—ग्रेड पे
- 5. चयन पद अथवा अचयन पद.**—अचयन
- 6. सीधी भर्ती के लिए आयु.**—लागू नहीं।

7. सीधे भर्ती किए जाने वाले व्यक्ति(व्यक्तियों) के लिए अपेक्षित न्यूनतम शैक्षिक और अन्य अर्हताएं—लागू नहीं ।

8. सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं प्रोन्नत व्यक्तियों की दशा में लागू होगी या नहीं.—(क) आयु.—लागू नहीं ।

(ख) शैक्षिक अर्हता.—लागू नहीं ।

9. परिवीक्षा की अवधि, यदि कोई हो.—दो वर्ष, जिसका एक वर्ष से अनधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा, जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दे ।

10. भर्ती की पद्धति—भर्ती सीधी होगी, या प्रोन्नति, प्रतिनियुक्ति, स्थानांतरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पदों की प्रतिशतता.—शतप्रतिशत प्रोन्नति द्वारा ।

11. प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण की दशा में श्रेणिया(ग्रेड) जिनसे प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण किया जायेगा.—वरिष्ठ रेडियोग्राफर में से प्रोन्नति द्वारा जिनका पांच वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवा, यदि कोई हो, को सम्मिलित करके पांच वर्ष का संयुक्त नियमित सेवाकाल हो। ऐसा न होने पर वरिष्ठ रेडियोग्राफर में से प्रोन्नति द्वारा जिनका रेडियोग्राफर व वरिष्ठ रेडियोग्राफर के रूप में संयुक्ततः दस वर्ष का नियमित सेवाकाल या की गई लगातार तदर्थ सेवा, यदि कोई हो, को सम्मिलित करके दस वर्ष का नियमित सेवाकाल हो, जिसमें वरिष्ठ रेडियोग्राफर के रूप में तीन वर्ष की अनिवार्य सेवा भी सम्मिलित होगी ।

परन्तु प्रोन्नति के प्रयोजन के लिए प्रत्येक कर्मचारी को, जनजातीय/दुर्गम क्षेत्रों में पद (पदों) की ऐसे क्षेत्रों में पर्याप्त संख्या की उपलब्धता के अध्वधीन, कम से कम एक कार्यकाल तक सेवा करनी होगी :

परन्तु यह और कि उपर्युक्त परन्तुक (1) उन कर्मचारियों के मामले में लागू नहीं होगा जिनकी अधिवर्षिता के लिए पांच वर्ष या उससे कम की सेवा शेष रही हों :

परन्तु यह और भी कि उन अधिकारियों/कर्मचारियों को, जिन्होंने जनजातीय/दुर्गम क्षेत्र में कम से कम एक कार्यकाल तक सेवा नहीं की है, ऐसे क्षेत्र में उसके अपने संवर्ग (काडर) में सर्वथा वरिष्ठता के अनुसार स्थानान्तरण किया जाएगा ।

सपष्टीकरण—I.—उपर्युक्त परन्तुक के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्रों में “कार्यकाल” से साधारणतया तीन वर्ष की अवधि या प्रशासनिक अपेक्षाओं और कर्मचारी द्वारा किए गए कार्य को ध्यान में रखते हुए ऐसे क्षेत्रों में तैनाती की इससे कम अवधि अभिप्रेत होगी ।

स्पष्टीकरण II.—उपर्युक्त परन्तुक के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्र निम्न प्रकार से होंगे :—

1. जिला लाहौल एवं स्पिति ।
2. चम्बा जिला का पांगी और भरमौर उप मण्डल ।
3. रोहडू उप मण्डल का डोडरा क्वार क्षेत्र ।
4. जिला शिमला की रामपुर तहसील का पन्द्रह बीस परगना, मुनीष दरकाली और ग्राम पंचायत काशापट ।
5. कुल्लू जिला का पन्द्रह बीस परगना ।
6. कांगड़ा जिला के बैजनाथ उप मण्डल का बड़ा भंगाल क्षेत्र ।
7. जिला किन्नौर ।
8. सिरमौर जिला में उप तहसील कमराउ के काठवाड और कोरगा पटवार वृत्त, रेणुकाजी तहसील के भलाड़-भलौना और सांगना पटवार वृत्त और शिलाई तहसील के कोटा पाब पटवार वृत्त ।

9. मण्डी जिला की करसोग तहसील का खन्गोल-बागड़ा पटवार वृत्त, बाली चौकी उप तहसील के गाड़ा गुसैणी, मठयानी, घनयाड़, थाची, बागी, सोमगाड़ और खोलानाल, पद्धर तहसील के झारवाड़, कुटगढ़, ग्रामन, देवगढ़, ट्रैला, रोपा, कथोग, सिल्ह-भडवानी, हस्तपुर, घमरेड और भटेढ़ पटवार वृत्त, थुनांग तहसील के चियूणी, कालीपार, मानगढ़, थाच-बागड़ा, उत्तरी मगरू और दक्षिणी मगरू पटवार वृत्त और सुन्दरनगर तहसील का बटवाड़ा पटवार वृत्त।

(1) प्रोन्नति के सभी मामलों में, पद पर नियमित नियुक्ति से पूर्व सम्भरक (पोषक) पद में की गई लगातार तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिए इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधीन रहते हुए गणना में ली जाएगी, कि सम्भरक प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति, भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाने के पश्चात् की गई थी:

परन्तु उन सभी मामलों, में जिनमें कोई कनिष्ठ व्यक्ति सम्भरक पद में अपने कुल सेवाकाल (तदर्थ आधार पर की गई तदर्थ सेवा सहित, जो नियमित सेवा/नियुक्ति के अनुसरण में हो) के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहां अपने-अपने प्रवर्ग/पद/कांडर में उससे वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्तियों से ऊपर रखे जाएंगे :

परन्तु यह और कि उन सभी पदधारियों की, जिन पर प्रोन्नति के लिए विचार किया जाना है, कम से कम तीन वर्ष की न्यूनतम अर्हता सेवा या पद के भर्ती और प्रोन्नति नियमों में विहित सेवा, जो भी कम हो, होगी:

परन्तु यह और भी कि जहां कोई व्यक्ति पूर्वगामी परन्तु की अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए अपात्र हो जाता है, वहां उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिए अपात्र समझा जाएगा/समझे जाएंगे।

स्पष्टीकरण.—अन्तिम परन्तुक के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है जिसे डिमोबिलाइज्ड आर्मड फोर्सिस परसोनल (रिजर्वेशन आफ वेकेन्सीज इन हिमाचल स्टेट नान टैक्नीकल सर्विसिज) रुल्ज, 1972 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया है और इनके अन्तर्गत वरीयता लाभ दिए गये हों या जिसे एक्स सर्विसमैन (रिजर्वेशन आफ वेकेन्सीज इन दी हिमाचल प्रदेश टेक्निकल सर्विसिज) रुल्ज, 1985 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो और इनके अन्तर्गत वरीयता लाभ दिए गये हो

(2) इसी प्रकार स्थाईकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से पूर्व सम्भरक पद पर की गई लगातार तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि तदर्थ नियुक्ति/प्रोन्नति, उचित चयन के पश्चात् और भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु की गई उपर्युक्त निर्दिष्ट तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थाईकरण होगा, उसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी।

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो तो उसकी संरचना.—जैसी सरकार द्वारा समय-समय पर गठित की जाए।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा.—जैसा विधि द्वारा अपेक्षित हो।

14. सीधी भर्ती के लिए अनिवार्य अपेक्षा.—लागू नहीं।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन.—लागू नहीं।

16. **आरक्षण.**—सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा, समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य प्रवर्ग के व्यक्तियों के लिए सेवा में आरक्षण की बाबत जारी किए गए आदेशों के अधीन होगी।

17. **विभागीय परीक्षा.**—लागू नहीं।

18. **शिथिल करने की शक्ति.**—जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां वह, कारणों को लिखित में अभिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, आदेश द्वारा, इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों की बाबत, शिथिल कर सकेगी।

[Authoritative English text of this Department Notification No. Health-A-A(3)-2/2010, dated 3-1-2012 as required under clause (3) of Article 348 of the Constitution of India].

HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

Shimla-2, the 3rd January, 2012

No. Health-A-A(3)-2/2010.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment & Promotion Rules for the post of Technical Officer (Radiology), Class III (Non-Gazetted), in the Department of Health & Family Welfare, Himachal Pradesh as per Annexure –A attached to this notification, namely :-

1. Short title and commencement.—(1) These Rules may be called the Himachal Pradesh, Department of Health & Family Welfare, Technical Officer(Radiology) Class III (Non-Gazetted) Recruitment and Promotion Rules, 2011.

(2) These Rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Repeal & Savings.—(1) The Himachal Pradesh Department of Health & Family Welfare Technical Officer(Radiology), Class III (Non-Gazetted) Recruitment & Promotion Rules, 1988 notified vide this Department notification No. Health-A-A (3)-4/77-I(Bio- Chem Radiology) dated 11-7-1988 are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules, so repealed under sub-rule(1) supra shall be deemed to have been validly made or done or taken under these rules.

By order,
Sd/-
Secretary (Health).

RECRUITMENT AND PROMOTION RULES FOR THE POST OF TECHNICAL OFFICER (RADIOLOGY), CLASS-III (NON GAZETTED) IN THE DEPARTMENT OF HEALTH AND FAMILY WELFARE, H.P.

1. **Name of Post.**—Technical Officer (Radiology)
2. **Number of Posts.**—1(One)
3. **Classification.**—Class-III (Non-Gazetted)
4. **Scale of Pay.**—Pay Band ₹ 10300-34800 + ₹ 3800 Grade Pay
5. **Whether Selection Post or Non-Selection Post.**—Non-Selection.
6. **Age for direct recruitment.**—Not Applicable
7. **Minimum educational and other qualifications required for direct recruit(s).**—Not applicable.
8. **Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotee(s) ?.**—(a) *Age.*—Not applicable.
(b) *Educational Qualification.*—N.A.
9. **Period of probation, if any.**—Two Years' subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.
10. **Method(s) of recruitment, whether by direct recruitment or by promotion, deputation, transfer and the percentage of post(s) to be filled in by various methods.**—100% by promotion.

1. In case of recruitment by promotion, deputation, transfer, grades from which promotion/deputation transfer is to be made.—By promotion from amongst the Senior Radiographers who possess five years' regular service or regular combined with continuous adhoc service, if any, in the grade failing which by promotion from amongst the Senior Radiographers with ten years' regular service or regular combined with continuous adhoc service, if any, combined as Senior Radiographer and Radiographer which shall also include at least 3 years' essential service as Senior Radiographer.

Provided that for the purpose of promotion every employee shall have to serve atleast one term in the Tribal/Difficult areas subject to adequate number of post(s) available in such area:

Provided further that the proviso(I) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation.

Provided further that Officers/Officials who have not served atleast one tenure in Tribal/difficult area shall be transferred to such area strictly in accordance with his/her seniority in the respective cadre.

Explanation I.—For the purpose of proviso I supra the “term” in Tribal/Difficult areas shall mean normally three years or less period of posting in such areas keeping in view the administrative requirements and performance of the employee.

Explanation II.—For the purpose of proviso I supra the Tribal/Difficult Areas shall be as under :

1. District Lahaul Spiti
2. Pangi and Bharmour Sub Division of Chamba District.
3. Dodra Kwar Area of Rohru Sub-Division.
4. Pandrah Bis Pargana, Munish Darkali and Gram Panchayat Kashapat, Gram Panchayats of Rampur Tehsil of District Shimla.
5. Pandrah Bis Pargana of Kullu District.
6. Bara Bhangal Area of Baijnath Sub Division of Kangra District.
7. District Kinnaur.
8. Kathwar and Karga Patwar Circles of Kamrau Sub Tehsil, Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmour District.
9. Khanyol-Bagra Patwar Circle of Karsog Tehsil, Gada Gussaini, Mathyani, Ghanyar, Thachi, Baggi, Somgad and Kholanal of Bali Chowki Sub Tehsil, Jharwar, Kutgarh, Graman, Devgarh, Trailla, Ropa, Kathog, Silla-Badhwani, Hastpur, Ghamrehar and Bhatehar Parwar Circle of Padhar Tehsil, Chiuni, Kalipar, Mangarh, Thach-Bagra, North Magru and South Magru Patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sunder Nagar Tehsil in Mandi District.

(I) In all cases of promotion, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these Rules for promotion subject to the condition that the adhoc appointment/ promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules;

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on adhoc basis, followed by regular service/appointment) in the feeder post in view of the provision referred to above, all persons senior to him/her in the respective category/ post/ cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration;

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the R&P Rules for the post, whichever is less;

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him/ her shall also be deemed to be ineligible for consideration for such promotion;

Explanation.—The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be Ex-Serviceman recruited under the provisions of Rule-3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in the Himachal State Non-Technical Service) Rules, 1972 and having been given the benefit of seniority there-under or recruited under the provisions of Rule-3 of the Ex-Serviceman (Reservation of vacancies in Himachal Pradesh Technical Services) Rules, 1985 and having given the benefit of seniority there-under :-

(2) Similarly, in all cases of confirmation adhoc service rendered on the feeder post, if any, prior to the regular appointment/ promotion against such post shall be taken into account towards the length of service, if the adhoc appointment/promotion had been made after proper selection and in accordance with the provision of the R&P Rules.

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition.—As may be constituted by the Govt. from time to time.

13. Circumstances under which the H.P.P.S.C. is to be consulted in making recruitment.—As required under Law.

14. Essential requirement for direct recruitment.—Not Applicable.

15. Selection for appointment to post by direct recruitment.—Not Applicable.

16. Reservation.—The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Caste/ Scheduled Tribes/Other Backwards Classes/other categories of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental Examination.—Not Applicable.

18. Power to Relax.—Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the H.P. Public Service Commission, relax any of the provision(s) of these Rules with respect to any class or category of person(s) or post(s).

स्वास्थ्य एवं परिवार कल्याण विभाग

अधिसूचना

शिमला-1710020, 9 मार्च, 2012

संख्या स्वास्थ्य-क-क(3)-2/97-लूज.—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश स्वास्थ्य एवं परिवार कल्याण विभाग में चिकित्सा अधिकारी (जनरल विंग), वर्ग-I (राजपत्रित) के पद के लिए इस अधिसूचना से संलग्न उपाबन्ध-"क" के अनुसार भर्ती और प्रोन्नति नियम बनाती हैं, अर्थात् :-

1. संक्षिप्त नाम और प्रारम्भ.—(i) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश चिकित्सा सिविल सेवाएं, चिकित्सा अधिकारी (जनरल विंग), वर्ग-I (राजपत्रित) भर्ती और प्रोन्नति नियम, 2012 है।

(ii) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. निरसन और व्यावृत्तियां.—(1) इस विभाग की अधिसूचना संख्या स्वास्थ्य-क-क(3)-2/97 तारीख 25-8-2004 द्वारा अधिसूचित हिमाचल प्रदेश स्वास्थ्य एवं परिवार कल्याण विभाग चिकित्सा अधिकारी (जनरल विंग), वर्ग-I (राजपत्रित) भर्ती एवं प्रोन्नति नियम, 2004 का एतद्वारा निरसन किया जाता है।

(2) ऐसे निरसन के होते हुए भी उपर्युक्त उप नियम 2(1) के अधीन, इस प्रकार निरसित नियमों के अधीन की गई कोई नियुक्ति, बात या कार्यवाई इन नियमों के अधीन विधिमान्य रूप में की गई समझी जाएगी।

आदेश द्वारा,
हस्ताक्षरित/—
सचिव (स्वास्थ्य)।

उपाबन्ध —“क”

स्वास्थ्य एवं परिवार कल्याण विभाग, हिमाचल प्रदेश, में चिकित्सा अधिकारी, (जनरल विंग) वर्ग—I (राजपत्रित) के पद के लिए भर्ती और प्रोन्नति नियम

1. पद का नाम.— चिकित्सा अधिकारी (जनरल विंग)
2. पदों की संख्या.—1497+100 स्नातकोत्तर आरक्षित पद (एक हजार चार सौ सत्तानवे+सौ स्नातकोत्तर आरक्षित पद)
3. वर्गीकरण.— वर्ग I (राजपत्रित)
4. वेतमान.—1. नियमित पदधारियों के लिए वेतनमान; ₹ 15600—39100 + ₹ 5400 ग्रेड पे ।
2. संविदा पर नियुक्त कर्मचारी के लिए उपलब्धियां.—स्तम्भ संख्या 15—क में दिए गए ब्यौरे के अनुसार।
5. चयन पद अथवा अचयन पद.—लागू नहीं ।
6. सीधी भर्ती के लिए आयु.—45 वर्ष व इससे कम ।

परन्तु सीधे भर्ती किए जाने वाले व्यक्तियों के लिए उपरी आयु सीमा तदर्थ या संविदा के आधार पर नियुक्त किए गए व्यक्तियों सहित पहले से ही सरकार की सेवा में रत अर्हियों को लागू नहीं होगी :

परन्तु यह और कि यदि तदर्थ या संविदा के आधार पर नियुक्त किया गया अर्हियों इस रूप में नियुक्ति की तारीख को अधिक आयु का हो गया हो, तो वह तदर्थ या संविदा के आधार पर नियुक्ति के कारण विहित आयु में छूट के लिए पात्र नहीं होगा :

परन्तु यह और कि अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य वर्गों के व्यक्तियों के लिए उपरी आयु सीमा में उतनी ही छूट दी जा सकेगी, जितनी हिमाचल प्रदेश सरकार के साधारण या विशेष आदेशों के अधीन अनुज्ञे है:

परन्तु यह और कि पब्लिक सैक्टर निगमों तथा स्वायत्त निकायों के सभी कर्मचारियों को, जो ऐसे पब्लिक सैक्टर निगमों तथा स्वायत्त निकायों के प्रारम्भिक गठन के समय ऐसे पब्लिक सैक्टर निगमों/स्वायत्त निकायों से पूर्व सरकारी कर्मचारी थे, सीधी भर्ती में आयु सीमा में ऐसी ही रियायत दी जाएगी, जैसी सरकारी कर्मचारियों को अनुज्ञेय है, किन्तु इस प्रकार की रियायत पब्लिक सैक्टर निगमों तथा स्वायत्त निकायों के ऐसे कर्मचारीवृन्द को अनुज्ञेय नहीं होगी जो पश्चातवर्ती ऐसे निगमों/स्वायत्त निकायों द्वारा नियुक्त किए गए थे/किए गए हैं और उन पब्लिक सैक्टर निगमों/स्वायत्त निकायों के प्रारम्भिक गठन के पश्चात निगमों/स्वायत्त निकायों की सेवा में अन्तिम रूप से आमेलित किए गए हैं/ किए गए थे :

1. सीधी भर्ती के लिए आयु सीमा की गणना, उस वर्ष के प्रथम दिवस से की जाएगी जिसमें पद (पदों को, आवेदन आमंत्रित करने के लिए यथास्थिति विज्ञापित किया गया है या नियोजनालयों को अधिसूचित किया गया है।
2. अन्यथा सुअर्हित अभ्यर्थियों की दशा में सीधी भर्ती के लिए आयु सीमा और अनुभव हिमाचल प्रदेश लोक सेवा आयोग के विवेकानुसार शिथिल किया जा सकेगा।

7. सीधे भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित न्यूनतम शैक्षिक और अन्य अर्हताएं :

(1) अनिवार्य अर्हताएं.—(i) भारतीय आर्युविज्ञान परिषद् अधिनियम, 1956 की प्रथम या द्वितीय अनुसूची या तृतीय अनुसूची के भाग-II (अनुज्ञप्तिप्राप्त अर्हताओं से भिन्न) में सम्मिलित मान्यता प्राप्त चिकित्सा अर्हता। तृतीय अनुसूची के भाग-II में सम्मिलित शैक्षणिक अर्हता के धारक भारतीय आर्युविज्ञान परिषद् अधिनियम, 1956 की धारा 13 की उपधारा (3) में नियत शर्तों को पूरा करते हो।

(ii) अनिवार्य रोटेटिंग इन्टर्नशिप को पूर्ण करते हों।

(2) वांछनीय अर्हताएं.—(i) भारतीय आर्युविज्ञान परिषद् अधिनियम, 1956 की प्रथम या द्वितीय अनुसूची या तृतीय अनुसूची के भाग-II (अनुज्ञप्तिप्राप्त अर्हताओं से भिन्न) में सम्मिलित स्नातकोत्तर उपाधि या डिप्लोमा। तृतीय अनुसूची के भाग-II में सम्मिलित शैक्षणिक अर्हता के धारक भारतीय आर्युविज्ञान परिषद् अधिनियम, 1956 की धारा 13 की उपधारा (3) में नियत शर्तों को पूरा करते हो।

(ii) किसी मान्यता प्राप्त संस्थान से परिशिष्ट 'क' में यथावर्णित स्नातकोत्तर अर्हता।

(iii) हिमाचल प्रदेश की रुढ़ियों, रीतियों और बोलियों का ज्ञान और प्रदेश में विद्यमान विशिष्ट दशाओं में नियुक्ति के लिए उपयुक्तता।

8. सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक आर्हताएं प्रोन्नत व्यक्तियों की दशा में लागू होंगी या नहीं :

(क) आयु.—लागू नहीं।

(ख) अनिवार्य अर्हताएं.—लागू नहीं।

9. परीक्षा की अवधि, यदि कोई हो.—दो वर्ष, जिस का एक वर्ष से अनधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दें।

परन्तु इस नियम के उपबन्ध संविदा पर नियुक्त चिकित्सा अधिकारियों के मामले में लागू नहीं होंगे।

10. भर्ती की पद्धति—भर्ती सीधी होगी या प्रोन्नति प्रतिनियुक्ति स्थानान्तरण द्वारा अन्य विभिन्न पद्धतियों द्वारा भरी जाने वाली पदों की प्रतिशतता.—शतप्रतिशत सीधी भर्ती द्वारा, यथास्थिति, नियमित आधार पर या संविदा के आधार पर भर्ती द्वारा।

संविदा पर नियुक्त किये गए कर्मचारी स्तम्भ संख्या-15-क में दी गई उपलब्धियां प्राप्त करेंगे और उक्त स्तम्भ में विनिर्दिष्ट सेवा शर्तों द्वारा विनियमित होंगे।

11. प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण की दशा में श्रेणियां (ग्रेड) जिनसे प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण किया जाएगा.—लागू नहीं।

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो तो, उसकी संरचना.—लागू नहीं।

13. भर्ती करने में, जिन परिस्थितियों में हिमाचल प्रदेश, लोक सेवा आयोग से परामर्श किया जाएगा.—जैसा विधि द्वारा अपेक्षित हो।

14. सीधी भर्ती के लिए अनिवार्य अपेक्षा.—किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी का भारत का नागरिक होना अनिवार्य है।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन.—सीधी भर्ती के मामले में, पद पर नियुक्ति के लिए चयन, मौखिक परीक्षा के आधार पर किया जाएगा। यदि, यथास्थिति, हिमाचल प्रदेश लोक सेवा आयोग या अन्य भर्ती प्राधिकरण ऐसा करना आवश्यक या समीचीन समझे, तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जाएगा जिसका स्तर/पाठ्यक्रम, यथास्थिति, आयोग/अन्य भर्ती प्राधिकरण द्वारा अवधारित किया जाएगा।

15-क. संविदा नियुक्ति द्वारा पद पर नियुक्ति के लिए चयन:—

(I) संकल्पना.—(क) इस पालिसी के अधीन हिमाचल प्रदेश स्वास्थ्य एवं परिवार कल्याण विभाग में चिकित्सा अधिकारी को संविदा के आधार पर प्रारम्भ में एक वर्ष के लिए लगाया जाएगा। जिसे वर्षानुवर्ष आधार पर बढ़ाया जा सकेगा :

परन्तु वर्षानुवर्ष के आधार पर संविदा की अवधि में विस्तारण/नवीकरण के लिए समबद्ध विभागाध्यक्ष यह प्रमाण—पत्र जारी करेगा कि संविदा पर नियुक्त व्यक्ति की सेवा और आचरण, वर्ष के दौरान संतोषजनक है और केवल तभी उसकी संविदा की अवधि को विस्तारित/नवीकृत किया जाएगा।

(II) चयन.—(क) निदेशक, स्वास्थ्य सेवाएं हिमाचल प्रदेश रिक्त पदों को संविदा के आधार पर भरने के लिए सरकार का अनुमोदन प्राप्त करने के पश्चात् रिक्त पदों के ब्यौरे को दो अग्रणी समाचार पत्रों में विज्ञापित करवाएगा और इन नियमों में यथाविहित अर्हता और अन्य पात्रता शर्तों को पूरा करने वाले अभ्यर्थियों से आवेदन आमंत्रित करेगा।

(ख) चयन इन नियमों में विहित पात्रता शर्तों के अनुसार किया जाएगा।

(ग) संविदा नियुक्ति की दशा में पद पर नियुक्ति के लिए चयन, मौखिक परीक्षा के आधार पर किया जाएगा या यदि आवश्यक या समीचीन समझा जाए तो लिखित परीक्षा या व्यावहारिक परीक्षा के आधार पर किया जाएगा जिसका स्तर/पाठ्यक्रम आदि सम्बद्ध चयन समिति, जैसी कि सरकार द्वारा समय-समय पर गठित की जाए, द्वारा अवधारित किया जाएगा।

(घ) निदेशक, स्वास्थ्य सेवाएं, चयन प्रक्रिया पूर्ण होने के पश्चात्, अपनी सिफारिशों सहित समस्त अभिलेख को, सरकारी स्तर पर नियुक्ति के आदेश जारी करने के लिए, सरकार को भेजेगा।

(III) मानदेय.—संविदा आधार पर नियुक्त अभ्यर्थी को निम्नलिखित नियत रकम प्रतिमास संदत की जाएगी :

• एम0 बी0 बी0 एस0 : ₹ 26,250/— प्रतिमास
चिकित्सा अधिकारी

• स्नातकोत्तर चिकित्सा : ₹ 40,000/— प्रतिमास।
अधिकारियों को सरकार द्वारा समय-समय पर यथा अधिसूचित

उपरोक्त संविदात्मक रकम को सरकार द्वारा समय-समय पर अधिसूचना के माध्यम से बढ़ाया/घटाया जा सकेगा।

निबन्धन और शर्तें.—(क) संविदा पर अभ्यर्थी की सेवा पूर्णतया अस्थाई आधार पर होगी । यदि संविदा पर नियुक्त व्यक्ति का कार्य/आचरण ठीक नहीं पाया जाता है, तो नियुक्ति समाप्त किए जाने के लिए दायी होगी ।

(ख) संविदा आधार पर नियुक्त अभ्यर्थी को उपरोक्त स्तम्भ (iii) मानदेय में यथावर्णित या सरकार द्वारा समय-समय पर नियत सविदात्मक रकम संदत की जाएगी ।

(ग) संविदा पर नियुक्त व्यक्ति एक मास की सेवा पूरी करने के पश्चात दो दिन के आकस्मिक अवकाश का हकदार होगा। यह अवकाश एक वर्ष तक संचित किया जा सकेगा। संविदा पर नियुक्त व्यक्ति को किसी भी प्रकार का अन्य कोई अवकाश अनुज्ञात नहीं होगा। वह चिकित्सा प्रतिपूर्ति और एल0टी0सी0 इत्यादि के लिए भी हकदार नहीं होगा/होगी। केवल प्रसूति अवकाश, नियमानुसार दिया जाएगा।

(घ) चयनित अभ्यर्थी को सरकारी जिला चिकित्सालय (अस्पताल) से अपना आरोग्य प्रमाण पत्र प्रस्तुत करना होगा । महिला अभ्यर्थियों की दशा में, बारह सप्ताह से अधिक की गर्भवस्थ, उसे अस्थाई तौर पर अनुपयुक्त बना देगी और प्रसव होने तक उसकी नियुक्ति पर विचार नहीं किया जाएगा । महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाएगा। उपयुक्तता पर, तथापि, ऐसे अभ्यर्थी को पुनः साक्षात्कार नहीं लिया जाएगा और उसका सविदात्मक कार्यकाल उसके कार्यग्रहण करने की तारीख से आरम्भ होगा।

(ङ.) संविदा आधार पर नियुक्त अभ्यर्थी जिसने तैनाती के एक स्थान पर पांच वर्ष का कार्यकाल पूर्ण कर लिया है, स्थानांतरण हेतु पात्र होगा, जहां भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो ।

(च) संविदा पर नियुक्त व्यक्ति का यदि अपने पदीय कर्तव्यों के सम्बन्ध में दौरे/प्रशिक्षण पर जाना अपेक्षित हो तो वह उसी दर पर, जैसी नियमित चिकित्सा अधिकारी को लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा/होगी ।

(छ) नियंत्रक अधिकारी के अनुमोदन के बिना सेवा से अनधिकृत अनुवस्थिति से स्वतः ही संविदा का पर्यावसार(समापन) हो जाएगा। संविदा पर नियुक्त व्यक्ति कर्तव्य(ड्यूटी) से अनधिकृत अनुपस्थिति की अवधि के लिए सविदात्मक रकम का हकदार नहीं होगा।

(ज) संविदा पर नियुक्त व्यक्ति द्वारा किसी भी प्रकार की प्राइवेट प्रैक्टिस प्रतिषिद्ध है ।

(झ) नियमिति कर्मचारियों की दशा में यथा लागू सेवा नियमों के उपबन्ध जैसे एफ0आर0—एस0आर0, छुट्टी नियम, साधारण भविष्य निधि नियम, पेंशन नियम तथा आचरण नियम आदि संविदा पर नियुक्त व्यक्तियों की दशा में लागू नहीं होंगे।

(ञ) इन नियमों के अधीन संविदा आधार पर लगाये गए अभ्यर्थी को, किसी भी स्तर पर विभाग में नियमितीकरण/स्थायी आमेसन का दावा करने का अधिकार नहीं होगा ।

(IV) करार.—अभ्यर्थी को चयन के पश्चात इन नियमों से संलग्न उपाबन्ध—ख' के अनुसार करार हस्ताक्षरित करना होगा ।

(V) नियुक्ति/अनुशासन प्राधिकारी.—प्रधान सचिव/सचिव (स्वास्थ्य) हिमाचल प्रदेश सरकार नियुक्ति और अनुशासन प्राधिकारी होंगे।

16. आरक्षण.—सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा, समय समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य प्रवर्गों के व्यक्तियों के लिए सेवा में आरक्षण की बाबत जारी किए गए आदेशों के अधीन होगी।

17. **विभागीय परीक्षा.**—सेवा के प्रत्येक सदस्य को समय-समय पर यथा संशोधित हिमाचल प्रदेश विभागीय परीक्षा नियम, 1997, में यथाविहित विभागीय परीक्षा उत्तीर्ण करनी होगी ।

18. **शिथिल करने की शक्ति.**—जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां वह कारणों को लिखित में अभिलिखित करके आदेश द्वारा, इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों की बाबत, शिथिल कर सकेगी।

परिशिष्ट 'क'

List of Postgraduate qualifications

Sr. No.	Subject	Degree	Diploma
1.	Pathology	M.D.(Pathology), MD (Pathology Bacteriology) & D.N.B.	D.C.P.
2.		Microbiology MD(Microbiology) MD (Microbiology with Pathology) & D.N. B	
3.	Social and Preventive Medicine	MD (Social and Preventive Medicine), MD(Community Medicine) & D.N.B.	
4.	Forensic Medicine	M.D. (Forensic Medicine) & D.N.B.	Diploma (Forensic Medicine)
5.	General Medicine	M.D.(Medicine or General Medicine) & D.N.B.	
6.	General Surgery	M.S. (Surgery/ General Surgery) & D.N.B.	
7.	Obstetrics & Gynaecology	M.D. or M.S. (Obstetrics and Midwifery & M.S.(Gynaecology) & D.N.B.	D.G.O.
8.	Paediatrics	M.D. (Paediatrics) & D.N.B.	D.C.H. Diploma (Paediatrics)
9.	Psychiatry	M.D.(Psychiatry)M.D. Medicine with Diploma in Psychological Medicine & D.N.B.	...
10.	Skin & V.D. (Venereology Dermatology)	M.D. (Venereology Dermatology), MD (Dermatology Venereology & Leprosy), M.D. Medicine with D.V.D. & D.N.B.	D.V.D. D.D.V. D.V.
11.	Orthopaedics	M.S.(Orthopaedics) & D.N.B.	D.Ortho
12.	Anaesthesiology	M.D. or M.S. (Anaesthesiology) & D.N.B.	DA
13.	Radiology	M.D. (Radiology) & D.N.B.	DMRD
14.	Radiotherapy	MD (Radiotherapy) & D.N.B.	DMRT
15.	Ophthalmology	M.D. or MS (Ophthalmology) & D.N.B.	...
16.	Oto-Rhino Laryngology (ENT)	M.S.(ENT)Oto-Rhino Laryngology & D.N.B.	D.L.O.
17.	Public Health	M.D. (Community Medicine)/ M.D. (Social & Preventive Medicine)/M.D.	DPH, DT&DHE

		(Health Admn.) Master/ MSc. in Public Health. Masters in Applied Epidemiology and Sports Medicine	Diploma in Child & Maternal Health
18.	Anatomy	M.D., M.S. & D.N.B.	
19.	Physiology	M.D., M.S. & D.N.B.	
20.	Pharmacology	M.D., M.S. & D.N.B.	
21.	Post P.G.	M.Ch./ DM in any discipline recognized by the Medical Council of India	

NB: The above qualifications are subject to recognition by the Medical Council of India.

उपाबन्ध- “ख”

(चिकित्सक का नाम).....और हिमाचल प्रदेश सरकार के मध्य विशेष/अतिरिक्त/संयुक्त/
अवर सचिव (स्वास्थ्य), हिमाचल प्रदेश सरकार के माध्यम से निष्पादित की जाने वाले
संविदा/करार का प्रारूप

यह करार श्री/श्रीमति..... पुत्र/पुत्री श्री.....
निवासी....., संविदा पर नियुक्त व्यक्ति (जिसे इसमें इसके पश्चात् ‘प्रथम
पक्षकार’ कहा गया है), और हिमाचल प्रदेश की राज्यपाल के मध्य, विशेष/अतिरिक्त/संयुक्त/अवर सचिव
(स्वास्थ्य), हिमाचल प्रदेश सरकार (जिसे इसमें इसके पश्चात् ‘द्वितीय पक्षकार’ कहा गया है) के माध्यम से
आज तारीख..... को किया गया।

‘द्वितीय पक्षकार’ ने उपरोक्त प्रथम पक्षकार को लगाया है और प्रथम पक्षकार ने(चिकित्सा
अधिकारी का नाम) के रूप में संविदा आधार पर निम्नलिखित निबन्धन और शर्तों पर सेवा करने के लिए
सहमति दी है:-

1. यह कि प्रथम पक्षकार ने चिकित्सा अधिकारी के रूप में से प्रारम्भ होने और.....
को समाप्त होने वाले दिन तक एक वर्ष की अवधि के लिए द्वितीय पक्षकार की सेवा में रहेगा। यह विनिर्दिष्ट
रूप से उल्लिखित किया गया है और दोनों पक्षकारों द्वारा करार पाया गया है कि प्रथम पक्षकार की द्वितीय
पक्षकार के साथ संविदा, आखिरी कार्य दिवस अर्थात्.....दिन को स्वयंमेव ही पर्यवसित (समाप्त) हो जाएगी
तथा सूचना नोटिस आवश्यक नहीं होगा:

परन्तु वर्षानुवर्ष के आधार पर संविदा की अवधि में विस्तारण/नवीकरण करने के लिए सम्बद्ध
विभागाध्यक्ष यह प्रमाण-पत्र जारी करेगा कि संविदा पर नियुक्त व्यक्ति की सेवा और आचरण वर्ष के दौरान
संतोषजनक रहे हैं और केवल तभी उसकी संविदा की अवधि में बढ़ौतरी/नवीकरण किया जाएगा।

2. प्रथम पक्षकार को संविदात्मक रकम रुपये प्रतिमास होगी।

3. प्रथम पक्षकार की सेवा पूर्णतया अस्थाई आधार पर होगी। यदि संविदा पर नियुक्त व्यक्ति का
कार्य/आचरण ठीक नहीं पाया जाता है तो नियुक्ति पर्यावसित (समाप्त) किए जाने के लिए दायी होगी।

4. प्रथम पक्षकार एक मास की सेवा पूरी करने के पश्चात् दो दिन के आकस्मिक अवकाश का
हकदार होगा। यह अवकाश एक वर्ष तक संचित किया जा सकेगा। प्रथम पक्षकार को किसी भी प्रकार का
अन्य कोई अवकाश अनुज्ञात नहीं होगा। वह चिकित्सा प्रतिपूर्ति और एल0टी0सी0 इत्यादि के लिए भी हकदार
नहीं होगा/होगी। केवल प्रसूति अवकाश, नियमानुसार दिया जाएगा।

5. नियन्त्रक अधिकारी के अनुमोदन के बिना कर्त्तव्यों से अनधिकृत अनुपस्थिति से स्वतः ही संविदा का पर्यावसान (समापन) हो जाएगा। प्रथम पक्षकार कर्त्तव्य (ड्यूटी) से अनुपस्थिति की अवधि के लिए संविदात्मक रकम का हकदार नहीं होगा।

6. संविदा पर नियुक्त चिकित्सा अधिकारी, जिसने तैनाती के एक स्थान पर पांच वर्ष का कार्यकाल पूर्ण कर लिया है, आवश्यकता के आधार पर स्थानांतरण हेतु पात्र होगा, जहां भी प्रशासनिक आधार पर ऐसा करना अपेक्षित हो।

7. चयनित अभ्यर्थी को सरकारी/रजिस्ट्रीकृत चिकित्सा व्यवसायी से अपना आरोग्य प्रमाण-पत्र प्रस्तुत करना होगा। महिला अभ्यर्थियों की दशा में, बारह सप्ताह से अधिक की गर्भावस्था प्रसव होने तक, उसे अस्थाई तौर पर अनुपयुक्त बना देगी। महिला अभ्यर्थियों का किसी प्राधिकृत चिकित्सा अधिकारी/व्यवसायी द्वारा उपयुक्तता के लिए पुनः परीक्षण किया जाना चाहिए।

8. संविदा पर नियुक्त चिकित्सा अधिकारी का, यदि अपने पदीय कर्त्तव्यों के सम्बन्ध में दौरे पर जाना अपेक्षित हो, तो वह उसी दर पर, जैसी नियमित प्रतिस्थानी कर्मचारी को वेतनमान के न्यूनतम पर लागू है, यात्रा भत्ते/दैनिक भत्ते का हकदार होगा/होगी।

9. संविदा पर नियुक्त व्यक्ति(यों) को कर्मचारी सामूहिक बीमा योजना के साथ-साथ इ0पी0एफ0/जी0पी0एफ0 भी लागू नहीं होगा।

इसके साक्ष्यस्वरूप प्रथम पक्षकार और द्वितीय पक्षकार ने साक्षियों की उपस्थिति में इसमें सर्वप्रथम उल्लिखित तारीख मास और वर्ष को अपने-अपने हस्ताक्षर कर दिए हैं।

साक्षी की उपस्थिति में : —

1.....
.....
.....

(नाम व पूरा पता)

2.....
.....
.....

(नाम व पूरा पता)

(प्रथम पक्षकार के हस्ताक्षर)

साक्षियों की उपस्थिति में : —

1.....
.....
.....

(नाम व पूरा पता)

2.....
.....
.....

(नाम व पूरा पता)

(द्वितीय पक्षकार के हस्ताक्षर)

[Authoritative English Text of HP Government Notification No. Health-AA(3)2/97(Loose) dated 09.03.2012 as required under clause (3) of Article 348 of the Constitution of India].

HEALTH AND FAMILY WELFARE DEPARTMENT

NOTIFICATION

Shimla-2, the 9th March, 2012

No. Health-A-A(3)2/97(loose).—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor Himachal Pradesh in consultation with the Himachal Pradesh Public Services Commission, is pleased to make the Recruitment and Promotion Rules for the post of Medical Officer (General Wing) Class-I, (Gazetted) in the Himachal Pradesh Health and Family Welfare Department as per Annexure-A attached to this notification namely:-

1. Short title and commencement.—(i) These Rules may be called Himachal Pradesh Medical Civil Services, Medical Officer Class-I, (Gazetted) Recruitment and Promotion Rules, 2012.

(ii) These Rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Repeal and savings.—(i) The Himachal Pradesh Health and Family Welfare Department (Civil Wing) Medical Officer (Class-I, Gazetted) Recruitment and Promotion Rules, 2004 notified vide this department Notification No. Health-A-A(3)-2/97 dated 25.08.2004 are hereby repealed.

(ii) Notwithstanding such repeal any appointment made or anything done or any action taken under the rules so repealed under sub-rule 2(1) supra shall be deemed to have been validly made, done or taken under these rules.

By order,
Sd/-
Secretary (Health).

ANNEXURE-A

RECRUITMENT AND PROMOTION RULES FOR THE POST OF MEDICAL OFFICER, CLASS-I (GAZETTED) -GENERAL WING) IN THE DEPARTMENT OF HEALTH AND FAMILY WELFARE, H. P.

- 1. Name of the Post.**—Medical Officer (General Wing)
- 2. Number of posts.**—1497 +100 PG reserve posts (One thousand four hundred and ninety seven + 100 PG reserve posts).
- 3. Classification.**—Class-I (Gazetted)
- 4. Scale of Pay.**—1. Rs. 15600-39100+ Rs. 5400 Grade Pay for Regular employee.
2. Emoluments for contract employee as per detail given in Column 15(A)

5. Whether selection or nonselection post.—Not applicable.**6. Age for direct recruitment.—**45 years and below:

Provided that the upper age limit for direct recruits will not be applicable to the candidates already appointed on adhoc or on contract basis ;

Provided further that if a candidate appointed on adhoc or contract basis had become overage on the date when he/she was appointed; he/she shall not be eligible for any relaxation in the prescribed age limit by virtue of his/her appointment on adhoc/ contract basis ;

Provided further that upper age limit is relaxable for Scheduled Castes/Scheduled Tribes / Other Categories of persons to the extent permissible under the general or special order(s) of Govt. of Himachal Pradesh ;

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government Servants before absorption in Public Sector Corporations/Autonomous Bodies at the time of initial constitutions of such Corporations/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations/Autonomous Bodies who were/are subsequently appointed by such Corporation/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies;

- (1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is / are advertised for inviting applications or notified to the Employment exchange.
- (2) Age and experience in the case of direct recruitment relax-able at the discretion of the H.P.P.S.C in case the candidate is otherwise well qualified.

7. Minimum Educational and Other qualification required for direct recruit(s).—

(a) *Essential.*—(i) Recognized Medical Qualification included in the first or second Schedule or Part-II of the Third Schedule (other than licentiate qualifications) to the Indian Medical Council Act, 1956. The holders of educational qualification included in Part-II of the third schedule should fulfill the conditions stipulated in sub Section (3) of Section 13 of the Indian Medical Council Act, 1956.

- (ii) Completion of compulsory rotating internship.

(b) *Desirable.*—(i) Post Graduate Degree or Diploma included in the first or second Schedule or Part-II of the Third Schedule (other than licentiate qualifications) to the Indian Medical Council Act, 1956. The holders of educational qualification included in Part-II of the third schedule should fulfill the conditions stipulated in sub Section (3) of Section 13 of the Indian Medical Council Act, 1956.

- (ii) A post graduate qualification from a recognized institution as mentioned in Appendix-A.
- (iii) Knowledge of customs, manners & dialects of Himachal Pradesh & suitability for appointment in the peculiar conditions prevailing in the Pradesh.

8. Whether age and educational qualifications prescribed for direct recruits will apply in case of the promotees.—*Age.*—Not applicable.

Educational Qualification.—Not applicable

9. Period of probation, if any.—Two years' subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.

Provided that the provisions of this Rule shall not be applicable in the case of Medical Officers appointed on contract.

10. Method(s) of recruitment, whether by direct recruitment or by promotion, deputation, transfer and the percentage of post(s) to be filled in by various methods.—(i) 100% by direct recruitment on a regular basis or by recruitment on contract basis as the case may be. The contract employees will get emoluments as given in Col.15-A and will be governed by the service conditions as specified in the said column.

11. In case of recruitment by promotion, deputation, transfer, grades from which promotion/deputation/ transfer is to be made.—Not applicable.

12. If a Departmental Promotion Committee exists, what is its composition? .—Not applicable.

13. Circumstances under which the HPPSC is to be consulted in making recruitment.—As required under the Law.

14. Essential requirements for direct recruitment.—A candidate for appointment to any service or post must be a Citizen of India.

15. Selection for appointment to the post on regular basis.—Selection for appointment to the post in the case of direct recruitment shall be made on the basis of vivavoce test or written or practical test ; if Himachal Pradesh Public Service Commission or other recruiting authority as the case may, so consider necessary or expedient. The standard/syllabus of the viva-voce/written/practical test will be determined by the Commission/ other recruiting authority, as the case may be.
15(A) Selection for appointment to the post on Contract basis.

(I) CONCEPT.—(a) Under this policy the Medical Officer in Health & Family Welfare Department, H.P. will be engaged on contract basis initially for a period of one year, which may be extendable on year to year basis:

Provided that for extension/renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee is satisfactory during the year.

(II) SELECTION.—(a) The Director of Health Services, H.P. after obtaining the approval of the Government to fill up the vacant posts on contract will advertise the detail of vacant posts in two leading news-papers and invite applications from the candidates having the prescribed qualifications & fulfilling the other eligibility conditions as prescribed in these Rules.

(b) The selection will be made in accordance with the eligibility conditions prescribed in these Rules.

(c) Selection for appointment to the post in the case of contract appointment will be made on the basis of viva-voce test or if considered necessary or expedient by written test or practical test the standard / syllabus etc. of which will be determined by the concerned selection committee as may be constituted by the Government from time to time.

(d) After concluding the selection process, the Director Health Services will furnish all the records alongwith recommendation to the Government for issuing of appointment orders at Government level.

(III) HONORARIUM.—A candidate appointed on contract basis will be paid the following fixed amount per month:

MBBS Medical Officers: Rs. 26250/- P.M. Post Graduate Medical Officers as notified by the Govt. from time to time.—Rs.40,000/- P.M.

The above contractual amount may be increased/ decreased by the Govt. from time to time by way of notification.

TERMS AND CONDITIONS.—(a) The service of the candidates on contract will be purely on temporary basis. The appointment is liable to be terminated in case the performance/ conduct of the contract appointee is not found satisfactory.

(b) The candidate appointed on contract basis will be paid the contractual amount as mentioned in (III) Honorarium column above or as fixed by the Government from time to time.

(c) The contractual candidates will be entitled for two days Casual Leave after putting one month service. This leave can be accumulated upto one year. No leave of any other kind is admissible. He/She shall not be entitled for Medical Reimbursement and LTC etc. Only Maternity leave will be given as per Rules.

(d) Selected candidate will have to submit a certificate of his/her fitness from a Government District Hospital. In case of women candidates pregnancy beyond twelve weeks will render her temporary unfit and she will not be considered for appointment till her period of confinement is over. The woman candidate should be re-examined for fitness from an Authorized Medical Officer. On fitness, however, such candidate will not be subjected to fresh interview and her contractual tenure shall follow from the date of her joining.

(e) A candidate appointed on contract basis having completed five years tenure at one place of posting will be eligible for transfer wherever required on administrative grounds.

(f) The contract appointee will be entitled to TA/DA if required to go on tour/training in connection with his/her official duties at the same rate as applicable to regular Medical Officer.

(g) Unauthorized absence from the duties without the approval of the controlling officer shall automatically lead to the termination of the contract. Contract appointee shall not be entitled for contractual amount for the period of unauthorized absence from duty.

(h) Private practice of any kind by the contract appointee is prohibited.

(i) Provisions of service rules like FR, SR, Leave Rules, GPF Rules, Pension, Rules, & Conduct Rules etc. as are applicable in case of regular employees will not be applicable in case of contract appointee.

(j) The candidate engaged on contract basis under these rules shall have no right to claim for regularization / permanent absorption in the department at any stage.

(IV) AGREEMENT.—After selection of a candidate, he/she shall sign an agreement as per Annexure-B appended to these Rules.

(V) APPOINTING/DISCIPLINARY AUTHORITY.—The Principal Secretary/Secretary (Health) will be the appointing and disciplinary authority.

16. Reservation.—The appointment to the service shall be subject to the orders regarding reservation in the service for Scheduled Caste/Scheduled Tribes/Backward Classes/other categories of persons issued by the Government of Himachal Pradesh from time to time.

17. Departmental Examination.—Every Member of the service shall pass a Departmental Examination as prescribed in the Departmental Examination Rules, 1997 as amended from time to time.

18. Powers to relax.—Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission, relax any of the provision(s) of these Rules with respect to any class or category of person (s) or post(s).

APPENDIX-A

List of Postgraduate qualifications

Sr. No.	Subject	Degree	Diploma
1.	Pathology	M.D.(Pathology), MD (Pathology Bacteriology) & D.N.B.	D.C.P.
2.		Microbiology MD(Microbiology) MD (Microbiology with Pathology) & D.N. B	
3.	Social and Preventive Medicine	MD (Social and Preventive Medicine), MD(Community Medicine) & D.N.B.	
4.	Forensic Medicine	M.D. (Forensic Medicine) & D.N.B.	Diploma (Forensic Medicine)
5.	General Medicine	M.D.(Medicine or General Medicine) & D.N.B.	
6.	General Surgery	M.S. (Surgery/ General Surgery) & D.N.B.	
7.	Obstetrics & Gynaecology	M.D. or M.S. (Obstetrics and Midwifery & M.S.(Gynaecology) & D.N.B.	D.G.O.
8.	Paediatrics	M.D. (Paediatrics) & D.N.B.	D.C.H. Diploma (Paediatrics)
9.	Psychiatry	M.D.(Psychiatry)M.D. Medicine with Diploma in Psychological Medicine & D.N.B.	...
10.	Skin & V.D.	M.D. (Venereology Dermatology), MD	D.V.D.

	(Venereology Dermatology)	(Dermatology Venereology & Leprosy), M.D. Medicine with D.V.D. & D.N.B.	D.D.V. D.V.
11.	Orthopaedics	M.S.(Orthopaedics) & D.N.B.	D.Ortho
12.	Anaesthesiology	M.D. or M.S. (Anaesthesiology) & D.N.B.	DA
13.	Radiology	M.D. (Radiology) & D.N.B.	DMRD
14.	Radiotherapy	MD (Radiotherapy) & D.N.B.	DMRT
15.	Ophthalmology	M.D. or MS (Ophthalmology) & D.N.B.	...
16.	Oto-Rhino Laryngology (ENT)	M.S.(ENT)Oto-Rhino Laryngology & D.N.B.	D.L.O.
17.	Public Health	M.D. (Community Medicine)/ M.D. (Social & Preventive Medicine)/M.D. (Health Admn.) Master/ MSc. in Public Health. Masters in Applied Epidemiology and Sports Medicine	DPH, DT&DHE Diploma in Child & Maternal Health
18.	Anatomy	M.D., M.S. & D.N.B.	
19.	Physiology	M.D., M.S. & D.N.B.	
20.	Pharmacology	M.D., M.S. & D.N.B.	
21.	Post P.G.	M.Ch./ DM in any discipline recognized by the Medical Council of India	

NB: The above qualifications are subject to recognition by the Medical Council of India.

Annexure-B

Form of contract/agreement to be executed between the ----- (name of doctor) & the Government of Himachal Pradesh through Spl./ Addl. Joint/Under Secretary (Health) to the Government of Himachal Pradesh

This agreement is made on this.....day of...in the year.....between Sh/Smt.....S/o /D/o Shri.....R/o..... Contract appointee (hereinafter called the FIRST PARTY), AND The Governor, Himachal Pradesh through **Spl./ Addl. Joint/ Under Secretary (Health) to the Government of Himachal Pradesh** (here-in-after called the SECOND PARTY).

Whereas, the SECOND PARTY has engaged the aforesaid FIRST PARTY and the FIRST PARTY has agreed to serve as a Medical Officer on contract basis on the following terms & conditions:-

1. That the FIRST PARTY shall remain in the service of the SECOND PARTY as a Medical Officer on contract basis for a period of 1 year commencing on day of.....and ending on the day of..... It is specifically mentioned and agreed upon by both the parties that the contract of the FIRST PARTY with SECOND PARTY shall ipso-facto stand terminated on the last working day i.e. on and information notice shall not be necessary.

Provided that for extension/renewal of contract period on year to year basis the concerned HOD shall issue a certificate that the service and conduct of the contract appointee has been satisfactory during the previous year and only then his period of contract is to be renewed/extended

2. The contractual honorarium of the FIRST PARTY will be Rs...../- per month.

3. The service of FIRST PARTY will be purely on temporary basis. The appointment is liable to be terminated in case the performance/conduct of the contract appointee is not found satisfactory.

4. The FIRST PARTY will be entitled for two days casual leave after putting in one month service. This leave can be accumulated upto one year. No leave of any other kind is admissible to the FIRST PARTY. He/She will not be entitled for Medical Reimbursement and LTC etc. Only maternity leave will be given as per Rules.

5. Unauthorized absence from the duty without the approval of the controlling officer shall automatically lead to the termination of the contract. The FIRST PARTY will not be entitled for contractual amount for the period of absence from duty.

6. A Medical Officer appointed on contract basis having completed five years tenure at one place of posting will be eligible for transfer on need based basis wherever required on administrative grounds.

7. Selected candidate will have to submit a certificate of his/her fitness from a Government/Registered Medical Practitioner. In case of woman candidate pregnancy beyond twelve weeks will render her temporarily unfit and she will not be considered for appointment till her period of confinement is over. The woman candidate would be re-examined for fitness from an authorized Medical Officer/practitioner.

8. Contract Medical Officer shall be entitled to TA/DA if required to go on tour in connection with his/her official duties at the same rate as applicable to regular counter-part official at the minimum of the pay scale.

9. The Employees Group Insurance Scheme as well as EPF/GPF will not be applicable to the contractual appointee (s).

IN WITNESS the FIRST PARTY AND SECOND PARTY have herein to set their hands the day, month and year first, above written.

IN THE PRESENCE OF WITNESS:

1.....
.....
.....

2.
.....
.....

(Name and Full Address)

(Signature of the FIRST PARTY)

1.
.....
.....

2.
.....
.....

(Name and Full Address)

(Signature of the SECOND PARTY)

स्वास्थ्य एवं परिवार कल्याण विभाग

अधिसूचना

शिमला-171002, 24 फरवरी, 2012

संख्या स्वास्थ्य-ए-ए(3)-2/2011.—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश स्वास्थ्य सुरक्षा एवं विनियमन विभाग में औषधि नियन्त्रक, वर्ग-I, (राजपत्रित) के पद के लिए इस अधिसूचना से संलग्न उपाबन्ध-‘क’ के अनुसार भर्ती और प्रोन्नति नियम बनाती हैं, अर्थात् :-

1. **संक्षिप्त नाम और प्रारम्भ.**—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश स्वास्थ्य सुरक्षा एवं विनियमन विभाग, औषधि नियन्त्रक, वर्ग-I (राजपत्रित) भर्ती और प्रोन्नति नियम, 2012 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

आदेश द्वारा,
हस्ताक्षरित /—
सचिव (स्वास्थ्य)।

उपाबन्ध—“क”

हिमाचल प्रदेश स्वास्थ्य सुरक्षा एवं विनियमन विभाग में औषधि नियन्त्रक, वर्ग-I (राजपत्रित) के पद के लिए भर्ती और प्रोन्नति नियम

1. **पद का नाम.**—औषधि नियन्त्रक।
2. **पदों की संख्या.**—1 (एक)।
3. **वर्गीकरण.**—वर्ग—। (राजपत्रित)।
4. **वेतनमान.**—पे बैंड 15600—39100 रुपए जमा 7600 /—ग्रेड पे।
5. **चयन पद अथवा अचयन पद.**—चयन।
6. **सीधी भर्ती के लिए आयु.**—लागू नहीं।
7. **सीधे भर्ती किये जाने वाले व्यक्ति(व्यक्तियों) के लिए अपेक्षित न्यूनतम शैक्षिक और अन्य अर्हताएं.**—अनिवार्य अर्हता (ए) : लागू नहीं : वांछनीय अर्हता (ए) : लागू नहीं।
8. **सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं प्रोन्नत व्यक्तियों की दशा में लागू होगी या नहीं.**—(क) आयु : लागू नहीं : (ख) शैक्षिक अर्हता : लागू नहीं।
9. **परिवीक्षा की अवधि, यदि कोई हो.**—दो वर्ष, जिसका एक वर्ष से अनधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा, जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दे।
10. **भर्ती की पद्धति :** भर्ती सीधी होगी या प्रोन्नति, प्रतिनियुक्ति, स्थानांतरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पदों की प्रतिशतता.—शतप्रतिशत प्रोन्नति द्वारा।

11. प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण की दशा में श्रेणिया (ग्रेड) जिनसे प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण किया जाएगा.—सहायक औषधि नियन्त्रकों में से प्रोन्नति द्वारा, जिनका पांच वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवा, यदि कोई हो, को सम्मिलित करके, पांच वर्ष का नियमित सेवाकाल हो, ऐसा न होने पर सहायक औषधि नियन्त्रकों में से प्रोन्नति द्वारा, जिनका सहायक औषधि नियन्त्रक और औषधि निरीक्षक के रूप में संयुक्त दस वर्ष का नियमित सेवाकाल या की गई लगातार तदर्थ सेवा, यदि कोई हो, को सम्मिलित करके दस वर्ष का नियमित सेवाकाल हो, जिसमें सहायक औषधि नियन्त्रक के रूप में तीन वर्ष की अनिवार्य सेवा भी सम्मिलित होगी ।

(1) प्रोन्नति के सभी मामलों में, पद पर नियमित नियुक्ति से पूर्व सम्भरक (पोषक) पद में की गई लगातार तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिए इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधीन रहते हुए गणना में ली जाएगी, कि सम्भरक (पोषक) प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति, भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाने के पश्चात् की गई थी:

परन्तु उन सभी मामलों, में जिनमें कोई कनिष्ठ व्यक्ति सम्भरक (पोषक) पद में अपने कुल सेवाकाल (तदर्थ आधार पर की गई तदर्थ सेवा सहित, जो नियमित सेवा/नियुक्ति के अनुसरण में हो) के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहां अपने-अपने प्रवर्ग/पद/कांडर में उससे वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्तियों से ऊपर रखे जाएंगे :

परन्तु यह और कि उन सभी पदधारियों की, जिन पर प्रोन्नति के लिए विचार किया जाना है, कम से कम तीन वर्ष की न्यूनतम अहर्ता सेवा या पद के भर्ती और प्रोन्नति नियमों में विहित सेवा, जो भी कम हो, होगी :

परन्तु यह और भी कि जहां कोई व्यक्ति पूर्वगामी परन्तुक की अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए अपात्र हो जाता है, वहां उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के लिए अपात्र समझा जाएगा/समझे जाएंगे ।

स्पष्टीकरण.—अन्तिम परन्तुक के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है जिसे डिमोबिलाइज्ड आर्मड फोर्सिस परसोनल (रिजर्वेशन आफ वेकेन्सीज इन हिमाचल स्टेट नान टैक्नीकल सर्विसिज) रुल्ज, 1972 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया है और इनके अन्तर्गत वरीयता लाभ दिए गये हों या जिसे एक्स सर्विसमैन (रिजर्वेशन आफ वेकेन्सीज इन दी हिमाचल प्रदेश टेक्निकल सर्विसिज) रुल्ज, 1985 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो और इनके अन्तर्गत वरीयता लाभ दिए गए हों ।

(2) इसी प्रकार स्थाईकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से पूर्व सम्भरक (पोषक) पद पर की गई लगातार तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि तदर्थ नियुक्ति/प्रोन्नति, उचित चयन के पश्चात् और भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु की गई उपर्युक्त निर्दिष्ट तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थाईकरण होगा, उसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी ।

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो तो उसकी संरचना.—जैसी सरकार द्वारा समय-समय पर गठित की जाए ।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा.—जैसा विधि द्वारा अपेक्षित हो ।

14. सीधी भर्ती के लिए अनिवार्य अपेक्षा.—लागू नहीं ।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन.—लागू नहीं ।

16. आरक्षण.—सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा, समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य प्रवर्ग के व्यक्तियों के लिए सेवा में आरक्षण की बाबत जारी किए गए आदेशों के अधीन होगी ।

17. विभागीय परीक्षा.—सेवा में प्रत्येक सदस्य को समय-समय पर यथा संशोधित विभागीय परीक्षा नियम, 1997 में यथा विहित विभागीय परीक्षा पास करनी होगी ।

18. शिथिल करने की शक्ति.—जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां वह, कारणों को लिखित में अभिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, आदेश द्वारा, इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्ति (व्यक्तियों) के प्रवर्ग या पद (पदों) की बाबत, शिथिल कर सकेगी ।

[AUTHORITATIVE ENGLISH TEXT OF THIS DEPARTMENT NOTIFICATION NO. HEALTH-A-A(3)-2/2011, DATED 24-2-2012 AS REQUIRED UNDER CLAUSE (3) OF ARTICLE 348 OF THE CONSTITUTION OF INDIA].

HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

Shimla-2, the 24th February, 2012

No. Health-A-A(3)-2/2011.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment & Promotion Rules for the post of Drug Controller Class-I (Gazetted), in the Department of Health Safety and Regulation, Himachal Pradesh as per Annexure –A attached to this notification, namely :-

1. Short title and commencement.—(1) These Rules may be called the Himachal Pradesh, Department of Health Safety and Regulation, Drug Controller Class-I (Gazetted) Recruitment and Promotion Rules, 2012.

(2) These Rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

By order,
Sd/-
Secretary (Health).

Recruitment and Promotion Rules for the post of Drug Controller Class-I (Gazetted), in the Department of Health Safety & Regulation, Himachal Pradesh

1. **Name of the posts.**—Drug Controller.
2. **Number of posts**—1 (One).
3. **Classification** .—Class-I (Gazetted).
4. **Scale of Pay.**—Pay Band Rs. 15600-39100+Rs 7600 Grade Pay.
5. **Whether Selection Post or Non-Selection Post.**—Selection.
6. **Age for direct Recruitment** .—Not Applicable.
7. **Minimum Educational and other qualifications required for direct recruits.**—
(a) *Essential Qualification(s)*: Not applicable : (b) *Desirable Qualification(s)* : Not applicable.
8. **Whether age and educational qualifications prescribed for direct recruit(s) will apply in the case of the promotee(s).**—(a) *Age*: Not applicable : (b) *Educational Qualification*: Not applicable.
9. **Period of probation, if any.**—Two Years' subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.
10. **Method (s) of recruitment whether by direct recruitment or by promotion, deputation, transfer and the percentage of post(s) to be filled-in by various methods.**—100% by promotion.
11. **In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/ transfer is to be made.**—By promotion from amongst the Assistant Drug Controllers who possess five years' regular service or regular combined with continuous adhoc service, if any, in the grade failing which by promotion from amongst the Assistant Drug Controllers who possess ten years' regular service or regular combined with continuous adhoc service, if any, as Assistant Drug Controllers and Drug Inspector combined which shall also include three years' essential service as Assistant Drug Controllers.

(I) In all cases of promotion, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these Rules for promotion subject to the condition that the adhoc appointment/ promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules;

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on adhoc basis, followed by regular service/appointment) in the feeder post in view of the provision referred to above, all persons senior to him/her in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration;

Provided further that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the R&P Rules for the post, whichever is less;

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him/ her shall also be deemed to be ineligible for consideration for such promotion;

Explanation.—The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be Ex-Serviceman recruited under the provisions of Rule-3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in the Himachal State Non-Technical Service) Rules, 1972 and having been given the benefit of seniority there-under or recruited under the provisions of Rule-3 of the Ex-Serviceman (Reservation of vacancies in Himachal Pradesh Technical Services) Rules, 1985 and having given the benefit of seniority there-under .

(2) Similarly, in all cases of confirmation adhoc service rendered on the feeder post, if any, prior to the regular appointment/ promotion against such post shall be taken into account towards the length of service, if the adhoc appointment/promotion had been made after proper selection and in accordance with the provision of the R&P Rules.

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition.—As may be constituted by the Government from time to time.

13. Circumstances under which the HP Public Service Commission is to be consulted in making recruitment.—As required under the law.

14. Essential requirement for direct recruitment.— Not Applicable.

15. Selection for appointment to post by direct recruitment.—Not Applicable.

16. Reservation.—The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Caste/Scheduled Tribes/Other Backwards Classes/other categories of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental Examination.— Every member of the service shall pass a departmental examination as prescribed in the H.P. Departmental Examination Rules, 1997, as amended from time to time.

18. Powers to relax.—Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission relax any of the provision(s) of these Rules with respect to any Class or Category of person(s) or post(s).

स्वास्थ्य एवं परिवार कल्याण विभाग

अधिसूचना

शिमला-171002, 3 नवम्बर, 2011

संख्या स्वास्थ्य-ए-ए(3)-26/2011.—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश स्वास्थ्य एवं परिवार कल्याण विभाग में, सहायक मलेरिया अधिकारी, वर्ग-III- (अराजपत्रित) के पद के लिए इस अधिसूचना से संलग्न उपाबन्ध "क" के अनुसार भर्ती और प्रोन्नति नियम बनाती हैं, अर्थात्:-

1. **संक्षिप्त नाम और प्रारम्भ.**—(1) इन नियमों का संक्षिप्त नाम, हिमाचल प्रदेश, स्वास्थ्य एवं परिवार कल्याण विभाग, सहायक मलेरिया अधिकारी, वर्ग- III-(अराजपत्रित) भर्ती और प्रोन्नति नियम, 2011 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. **निरसन और व्यावृत्तियां.**—(1) इस विभाग की अधिसूचना सखं या स्वास्थ्य-ए-ए(3)-17/1996 तारीख 22-9-1999 द्वारा अधिसूचित हिमाचल प्रदेश स्वास्थ्य एवं परिवार कल्याण विभाग सहायक मलेरिया अधिकारी, वर्ग-III-(अराजपत्रित) भर्ती और प्रोन्नति नियम, 1999 का एतद् द्वारा निरसन किया जाता है।

(2) ऐसे निरसन के होते हुए भी उपर्युक्त उप नियम 2(1) के अधीन इस प्रकार निरसित नियमों के अधीन की गई कोई नियुक्ति, बात या कारवाई इन नियमों के अधीन विधिमान्य रूप से की गई समझी जाएगी।

आदेश द्वारा,
हस्ताक्षरित /—
सचिव (स्वास्थ्य)।

उपाबन्ध—“क”

हिमाचल प्रदेश, स्वास्थ्य एवं परिवार कल्याण विभाग में सहायक मलेरिया अधिकारी, वर्ग-III (अराजपत्रित) के पद के लिए भर्ती और प्रोन्नति नियम

1. **पद का नाम.**—सहायक मलेरिया अधिकारी ।
2. **पदों की संख्या.**— 17 (सत्रह)।
3. **वर्गीकरण.**—वर्ग-III (अराजपत्रित)
4. **वेतनमान.**—पे बैंड : 10300-34800 जमा 3800 रुपए ग्रेड पे।
5. **चयन पद अथवा अचयन पद.**—अचयन ।
6. **सीधी भर्ती के लिए आयु.**—लागू नहीं ।
7. **सीधे भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित न्यूनतम शैक्षिक और अन्य अर्हताएं.**—
(क) अनिवार्य अर्हता (ए).—लागू नहीं ।

(ख) वांछित अर्हता.—लागू नहीं ।

8. सीधे भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं प्रोन्नत व्यक्तियों की दशा में लागू होगी या नहीं.—आयु.—लागू नहीं ।

शैक्षिक अर्हता.—लागू नहीं ।

9. परीक्षा की अवधि, यदि कोई हो.—: दो वर्ष, जिसका एक वर्ष से अनधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दे ।

10. भर्ती की पद्धति—भर्ती, सीधी होगी या प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पदों की प्रतिशतता.—शतप्रतिशत प्रोन्नति द्वारा ।

11. प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण की दशा में श्रेणिया (ग्रेड) जिनसे प्रोन्नति प्रतिनियुक्ति, स्थानान्तरण किया जाएगा.—पुरुष स्वास्थ्य पर्यवेक्षकों/महिला स्वास्थ्य पर्यवेक्षकों में से प्रोन्नति द्वारा जिनका पांच वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवा को सम्मिलित करके पांच वर्ष का संयुक्त नियमित सेवाकाल हो ।

परन्तु प्रोन्नति के प्रयोजन के लिए प्रत्येक कर्मचारी को, जनजातीय/दुर्गम क्षेत्रों में पद (पदों) की ऐसे क्षेत्रों में पर्याप्त संख्या की उपलब्धता के अध्वधीन, कम से कम एक कार्यकाल तक सेवा करनी होगी :

परन्तु यह और कि उपर्युक्त परन्तुक (1) उन कर्मचारियों के मामले में लागू नहीं होगा जिनकी अधिवर्षिता के लिए पांच वर्ष या उससे कम की सेवा शेष रही हों :

परन्तु यह और भी कि उन अधिकारियों/कर्मचारियों को, जिन्होंने जनजातीय/दुर्गम क्षेत्र में कम से कम एक कार्यकाल तक सेवा नहीं की है, ऐसे क्षेत्र में उसके अपने संवर्ग (काडर) में सर्वथा वरिष्ठता के अनुसार स्थानान्तरण किया जाएगा ।

सपष्टीकरण—I.— उपर्युक्त परन्तुक (1) के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्रों में “कार्यकाल” से साधारणतया तीन वर्ष की अवधि या प्रशासनिक अपेक्षाओं और कर्मचारी द्वारा किए गए कार्य को ध्यान में रखते हुए ऐसे क्षेत्रों में तैनाती की इससे कम अवधि अभिप्रेत होगी ।

सपष्टीकरण—II.—उपर्युक्त परन्तुक के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्र निम्न प्रकार से होंगे:—

1. जिला लाहौल एवं स्पिति ।
2. चम्बा जिला का पांगी और भरमौर उप मण्डल ।
3. रोहडू उप मण्डल का डोडरा क्वार क्षेत्र ।
4. जिला शिमला की रामपुर तहसील का पन्द्रह बीस परगना, मुनीष दरकाली और ग्राम पंचायत काशापट ।
5. कुल्लू जिला का पन्द्रह बीस परगना ।
6. कांगड़ा जिला के बैजनाथ उप मण्डल का बडा भंगाल क्षेत्र ।
7. जिला किन्नौर ।
8. सिरमौर जिला में उप तहसील कमराउ के काठवाड़ और कोरगा पटवार वृत्त, रेणुकाजी तहसील के भलाड़-भलौना और सांगना पटवार वृत्त और शिलाई तहसील के कोटा पाब पटवार वृत्त ।
9. मण्डी जिला में करसोग तहसील का खन्योल-बगड़ा पटवार वृत्त, बाली चौकी उप तहसील के गाडा गोसाई, मठयानी, घनयाड़, थाची, बागी, सोमगाड़ और खोलानाल, पद्धर तहसील के झारवाड़, कुटगढ, ग्रामन, देवगढ, ट्रैला, रोपा, कथोग, सिल्ह-भडवानी, हस्तपुर, घमरेड और भटेढ़ पटवार वृत्त, थुनांग तहसील के चियूणी, कालीपार, मानगढ, थाच-बगड़ा, उत्तरी मगरू और दक्षिणी मगरू पटवार वृत्त और सुन्दरनगर तहसील का बटवाड़ा पटवार वृत्त ।

(1) प्रोन्नति के सभी मामलों में, पद पर नियमित नियुक्ति से पूर्व सम्भरक (पोषक) पद पर की गई लगातार तदर्थ सेवा, यदि कोई हो प्रोन्नति के लिए इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधीन रहते हुए गणना में ली जाएगी, कि सम्भरक प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति, भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाने के पश्चात् की गई थी:

परन्तु उन सभी मामलों में, जिनमें कोई कनिष्ठ व्यक्ति सम्भरक पद में अपने कुल सेवाकाल (तदर्थ आधार पर की गई तदर्थ सेवा सहित, जो नियमित सेवा/नियुक्ति के अनुसरण में हो), के आधार पर उपर्युक्त निदिष्ट उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहां अपने-अपने प्रवर्ग/पद/कांडर में उससे वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्तियों से ऊपर रखे जाएंगे :

परन्तु यह और कि उन सभी पदधारियों की, जिन पर प्रोन्नति के लिए विचार किया जाना है, कम से कम तीन वर्ष की न्यूनतम अर्हता सेवा या पद के भर्ती और प्रोन्नति नियमों में विहित सेवा, जो भी कम हो, होगी:

परन्तु यह औ भी कि जहां कोई व्यक्ति पूर्वगामी परन्तुक की अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए अपात्र हो जाता है, वहां उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के लिए अपात्र समझा जाएगा/समझे जाएंगे ।

स्पष्टीकरण.— अन्तिम परन्तुक के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है जिसे डिमोबिलाइज्ड आर्मड फोर्सिस परसोनल (रिजर्वेशन आफ वेकेन्सीज इन हिमाचल स्टेट नान टैक्नीकल सर्विसिज) रुल्ज, 1972 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया है और इनके अन्तर्गत वरीयता लाभ दिए गये हों या जिसे एक्स सर्विसमैन (रिजर्वेशन आफ वेकेन्सीज इन दी हिमाचल प्रदेश टैक्निकल सर्विसिज) रुल्ज, 1985 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो और इनके अन्तर्गत वरीयता लाभ दिए गये हो ।

1. इसी प्रकार स्थायीकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से पूर्व सम्भरक पद पर की गई लगातार तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि तदर्थ नियुक्ति/प्रोन्नति, उचित चयन के पश्चात् और भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु यह कि उपर्युक्त निर्दिष्ट तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थायीकरण होगा, उसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी ।

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो तो उसकी संरचना.—जैसी सरकार द्वारा समय-समय पर गठित की जाए ।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा—जैसा विधि द्वारा अपेक्षित हो ।

14. सीधी भर्ती के लिए अनिवार्य अपेक्षा.—लागू नहीं ।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन.—लागू नहीं ।

16. आरक्षण.—सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य प्रवर्ग के व्यक्तियों के लिए सेवा में आरक्षण की बाबत जारी किए गए आदेशों के अधीन होगी ।

17. विभागीय परीक्षा.—लागू नहीं ।

18. **शिथिल करने की शक्ति.**—जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां यह कारणों को लिखित में अभिलिखित करके और हिमाचल प्रदेश लाके सेवा आयोग के परामर्श से इन नियमों के किन्ही उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों की बाबत, शिथिल कर सकेगी ।

[Authoritative English Text of this Department Notification No. Health-A(3)-26/2011, dated 3-11-2011 As required under clause (3) of Article 348 of the Constitution of India].

HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

Shimla-2, the 3rd November, 2011

No. Health-A(3)-26/2011.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment & Promotion Rules for the post of Assistant Malaria Officer, Class III (Non-Gazetted), in the Department of Health & Family Welfare, Himachal Pradesh as per Annexure—“A” attached to this notification, namely :-

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh, Department of Health & Family Welfare, Assistant Malaria Officer, Class III (Non-Gazetted), Recruitment and Promotion, Rules, 2011.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Repeal & savings.—(1) The Himachal Pradesh Department of Health & Family Welfare, Assistant Malaria Officer, Class III (Non-Gazetted), Recruitment and Promotion, Rules, 1999 notified vide this Department Notification No. Health-AA(3)17/96, dated 22-9-1999 are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or any thing done or any action taken under the rules so repealed under sub-rule2(1) supra shall be deemed to have been validly made, done or taken under these Rules.

By order,
Sd/-
Secretary (Health).

ANNEXURE-A

RECRUITMENT AND PROMOTION RULES FOR THE POST OF ASSISTANT MALARIA OFFICER , (NON GAZETTED CLASS-III) IN THE DEPARTMENT OF HEALTH AND FAMIY WELFARE H.P.

1. **Name of Post.**—Assistant Malaria Officer
2. **Number of Posts.**—17 (Seventeen)
3. **Classification.**—Class-III (Non Gazetted),

4. **Scale of Pay.**—Pay B and Rs. 10300-34800+Rs3800 Grade Pay
5. **Whether Selection Post or Non- Selection Post.**—Not Selection
6. **Age for direct recruitment.**—Not applicable
7. **Minimum educational and other qualifications required for direct recruits.**—(a) *Essential Qualification(s).*—Not applicable
(b) *Desirable Qualification.*—Not applicable.
8. **Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotee(s).**—Age: Not applicable.
Educational-Qualification.—Not Applicable.
9. **Period of probation, if any.**—Two years' subject to such further extension for a Period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.
10. **Method of recruitment, whether by direct recruitment or by promotion, deputation, transfer and the percentage of posts to be filled in by various methods.**—100% by promotion.
11. **In case of recruitment by promotion, deputation, transfer, grades from which promotion/deputation transfer is to be made.**—By promotion from amongst the Male Health Supervisors/Female Health Supervisors who possess 05 years regular service or regular combined with continuous adhoc service rendered, if any, in the grade.

Provided that for the purpose of promotion every employee shall have to serve at least one term in the Tribal/Difficult areas subject to adequate number of post(s) available in such area:

Provided further that the proviso(I) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation.

Provided further that Officers/Officials who have not served atleast one tenure in Tribal/difficult area shall be transferred to such area strictly in accordance with his/her seniority in the respective cadre.

Explanation I.—For the purpose of proviso I supra the “term” in Tribal/Difficult areas shall mean normally three years or less period of posting in such areas keeping in view the administrative requirements and performance of the employee.

Explanation II.—For the purpose of proviso I supra the Tribal/Difficult Areas shall be as under :
 1. District Lahaul Spiti
 2. Pangi and Bharmour Sub Division of Chamba District.
 3. Dodra Kwar Area of Rohru Sub-Division.
 4. Pandrah Bis Pargana, Munish Darkali and Gram Panchayat Kashapat, Gram Panchayats of Rampur Tehsil of District Shimla.
 5. Pandrah Bis Pargana of Kullu District

6. Bara Bhangal Area of Baijnath Sub Division of Kangra District.
7. District Kinnaur.
8. Kathwar and Karga Patwar Circles of Kamrau Sub Tehsil, Bhaladh Bhalona and Sangna Patwar Circles of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmour District.
9. Khanyol-Bagra Patwar Circle of Karsog Tehsil, Gada Gussaini, Mathyani, Ghanyar, Thachi, Baggi, Somgad and Kholanal of Bali Chowki Sub Tehsil, Jharwar, Kutgarh, Graman, Devgarh, Trailla, Ropa, Kathog, Silla-Badhwani, Hastpur, Ghamrehar and Bhatehar Patwar Circle of Padhar Tehsil, Chiuni, Kalipar, Mangarh, Thach-Bagra, North Magru and South Magru Patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sunder Nagar Tehsil in Mandi District.

(I) In all cases of promotion, the continuous adhoc service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these Rules for promotion subject to the condition that the adhoc appointment/ promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of R&P Rules;

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on adhoc basis, followed by regular service/ appointment) in the feeder post in view of the provision referred to above, all persons senior to him/ her in the respective category/ post/ cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration;

Provided further that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years' or that prescribed in the R&P Rules for the post, whichever is less;

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him/ her shall also be deemed to be ineligible for consideration for such promotion;

Explanation.—The last proviso shall not render the junior incumbent(s) ineligible for consideration for promotion if the senior ineligible person(s) happened to be Ex-Serviceman recruited under the provisions of Rule-3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in the Himachal State Non-Technical Service) Rules, 1972 and having been given the benefit of seniority there-under or recruited under the provisions of Rule-3 of the Ex-Serviceman (Reservation of vacancies in Himachal Pradesh Technical Services) Rules, 1985 and having given the benefit of seniority there-under .

(2) Similarly, in all cases of confirmation adhoc service rendered on the feeder post, if any, prior to the regular appointment/ promotion against such post shall be taken into account towards the length of service, if the adhoc appointment/ promotion had been made after proper selection and in accordance with the provision of the R&P Rules.

Provided that inter-se-seniority as a result of confirmation after taking into account, adhoc service rendered as referred to above shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition.—As may be constituted by the government from time to time.

13. Circumstances under which the H.P.P.S.C. is to be consulted in making recruitment.—As required under the law.

14. Essential requirement for direct recruitment.—Not applicable.

15. Selection for appointment to post by direct recruitment.—Not applicable.

16 . Reservation.—The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes / Scheduled Tribes / Others Backward Classes/ other categories of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental Examination.—Not Applicable.

18. Powers to Relax.—Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission, relax any of the provisions of these Rules with respect to any class or category of person(s) or post(s).